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G. Kneller pinxit. At Kensington Palace. J. Muller sculp. 1745.

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THE HISTORY OF ENGLAND.

BOOK XXIX

From the year 1704, to the year 1708.

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CHAP. I.

Remissness about the plot.—Affairs of Scotland.—The duke of Marlborough marches into Germany.—Battle of Schellenburg.—Battle of Hochstet.—Landau taken.—Bruges bombarded.—Affairs at sea.—Gibraltar taken.—Engagement off Malaga.—Affairs of Portugal.—The siege of Gibraltar by the Spaniards raised.—Affairs of Italy.—In the Cevennes—of Hungary—of Poland.—Third session of parliament.—Supplies granted.—The occasional bill again brought in.—Rejected by the lords.—Debates and resolutions concerning Scotland.—The duke of Marlborough complimented by the lord keeper.—The duke's answer.—French prisoners sent to Nottingham—The manor of Woodstock settled on the duke of Marlborough.—Complaints of the admiralty.—A design against the Electoress of Hanover.—Affair of the sixe Aldesbury men.—The parliament prorogued and afterwards dissolved.—Bills not passed.

DURING these transactions, the Scotch plot made a great noise, and, accounts of it soon reaching France, Frazer was immediately shut up in the Bastile. On the other hand, Lindsay, who would discover nothing before the committee of lords, was tried upon the plot, 1703-4. Remissness about the plot,

1703-4. the act made againſt correſponding with France, and ſentenced to die. Being carried to Tyburn, he was told by the ſheriff, that he muſt expect no mercy, unleſs he acknowledged his crime, and diſcovered what he knew of the conſpiracy. But, as it was believed, upon a ſecret intimation, that he was to be reprieved, he ſtill continued obſtinate and mute, and was carried back to Newgate, where he continued priſoner for ſome years, and then, being baniſhed the kingdom, he died in Holland in a very miſerable condition. The truth is, whether, as ſome were of opinion, the miniſtry found the queen inclined to favour the friends of the court of St. Germains; or whether they themſelves were unwilling to irritate the Scots at this critical juncture; it is moſt certain, that, even after the removal of the earl of Nottingham, the farther diſcovery of the plot was proſecuted with great tenderneſs or negligence. (n)

State trials.

However

(n) Of this there are the following inſtances. Towards the end of June 1704, Captain Francis Lacan, late of the lord Galway's regiment of foot in Piedmont, and who, in king James's time, had been an enſign in Dumbarton's regiment, came over from Holland, and upon oath delivered an information in writing to Mr. ſecretary Harley, importing in ſubſtance, "That ſir George "Maxwell, captain Levingſton, captain Hayes, and ſeveral other Scotch officers, "who came from the court of "St. Germains to Holland, "near a year and a half be"fore, after having held ſe"veral private conſultations "in divers ſuſpicious places "in the neighbourhood of "the Hague; and ſir George "having in vain endeavoured "to get a paſſ from Mr. Stan"hope, the queen's envoy, "they all embark'd for Scot"land, to the number of fif"teen or ſixteen gentlemen, "with three ladies, the ſame "day that captain Lacan "ſailed from the Brill for Eng"land with the retinue of an "envoy from the duke of Sa"voy." Mr. ſecretary Harley having communicated this information to the lord treaſurer, orders were immediately diſpatched to Scotland to ſeize ſir George Maxwell and his followers: which was accordingly done juſt upon their landing. But though, by what had already appeared before the committee of the lords and other concurring evidences, it was plain that they came with a deſign to raiſe commotions in Scotland, yet they were ſoon after ſet at liberty; and ſir George Maxwell was not only permitted to come to London, but highly careſſed by ſome great

However the duke of Queensberry's management of the plot was so liable to exception, that it was not thought fit to employ him any longer in the administration of Scotland; and it seems, he had likewise brought himself under the queen's displeasure; for it had been proposed by some of his friends in the house of lords, to desire the queen to communicate to them a letter, which the duke had wrote to her of such a date. This looked like an examination of the queen herself, to whom it ought to have been left, to send what letters she thought fit to the house, and they ought not to call for any one in particular. The matter of this letter made him liable to a very severe censure in Scotland; for, in plain words, he charged the majority of the parliament, as determined in their proceedings by an influence from St. Germains. This exposed him in Scotland to the fury of a parliament; for, how true soever this might be, such a representation of a parliament to the queen, especially in matters, which could not be proved, was, by the laws of that kingdom, leasing-making, and a capital crime. 1703-4. Affairs of Scotland. Burnet.

The chief design of the court, in the session of the Scotch parliament this summer, was to get the succession of the crown to be declared, and a supply to be given for the army, which was run into a great arrear. By the debates of the former session, those, who opposed every thing,

great men. As for captain Lacan, though his information proved so true and exact, that his zeal and diligence were at first greatly extolled, both by the lord treasurer and the secretary; and though he did farther service to the government, by seizing, in St. James's park, a young Irish gentleman, lately a retainer to the court of St. Germains; yet, after he had attended daily at the secretary's office for above three months, and consumed his small substance, he was sent back to Holland, without any other recompence than empty promises. Nor was this all, for the brisk youth, who to save his life, readily discovered all he knew, and who, among other particulars, acquainted Mr. Secretary with the constant correspondence of the duke of Hamilton with the court of St. Germains, was likewise sent to Holland with Lacan upon some joint business, for fear, as it is probable, that he should relate how easily he had escaped, or what little credit was laid on his discoveries. At the same time came over from France, without a pass, one of the daughters of sir Theophilus Oglethorpe; and, consequently, lay at the mercy of the government, but was never brought into trouble on that account.

1703-4. more particularly the declaring the succession, had insisted chiefly on motions to bring their own constitution to such a settlement, that they might suffer no prejudice by their king's living in England. Mr. James Johnston, who had been secretary of state for Scotland under king William, was now taken into the administration, and made lord-register in the room of sir James Murray of Philiphaugh. He proposed, in concert with the marquiss of Tweedale and some others in Scotland, that the queen should impower her commissioner to consent to a revival of the whole settlement made by king Charles I. in the year 1641. By that the king named a privy-council, and his ministers of state in parliament, who had a power to accept of, or to except to the nomination, without being bound to give the reason for excepting to it. In the intervals of parliament, the king was to give all employments with the consent of the privy council. This was the main point of that settlement, which was looked upon by the wisest men of that time as a full security to all their laws and liberties. It did indeed divest the crown of a great part of the prerogative, and it brought the parliament into some equality with the crown. The queen, upon the representation made to her by her ministers, offered this as a limitation upon the successor, in case they would settle the succession, as England had done; and, for doing this, the marquiss of Tweedale was named her commissioner. The queen also signified her pleasure very positively to all who were employed by her, that she expected they should concur in settling the succession, as they desired the continuance of her favour. Both the duke of Marlborough and the lord-treasurer Godolphin expressed themselves very fully and positively to the same purpose. Yet it was artfully surmised and spread about by the jacobites, and too easily believed by jealous and cautious people, that the court was not sincere in this matter, or at best indifferent as to the success. Some went further, and said, that those, who were in a particular confidence at court, secretly opposed it, and entered into a management of design to obstruct it. There did not appear any good ground for this suggestion; yet there was matter enough for jealousy to work on, and this was carefully improved by the jacobites, in order to defeat the design; and they were put in hopes, in

case

caſe of a rupture, to have a conſiderable force ſent to ſupport them from Dunkirk. 1704.

The duke of Queenſberry being now laid aſide, his collegue, the earl of Cromarty, remained ſole ſecretary of ſtate. The earl of Leven was inſtalled governor of Edinburgh-caſtle in the room of the earl of March, and the earl of Glaſgow removed from the place of treaſurer-deputy, but his place was not filled.

On the 6th of July the parliament being met, the queen's commiſſion, appointing the marquiſs of Tweedale to repreſent her royal perſon, was recorded; and, five days after, the lord-commiſſioner preſented to them the following letter from her majeſty: Proceedings of the parliament of Scotland. Burnet hiſt. of Europe. Lockhart.

ANNE R.

My lords and gentlemen,

"NOthing has troubled us more, ſince our acceſſion "to the crown of theſe realms, than the unſettled ſtate of affairs in that our ancient kingdom.

"We hoped, that the foundations of differences and "animoſities, that, to our great regret, we diſcovered "among you, did not lie ſo deep, but that, by the "methods we have proceeded in, they might have "been removed.

"But, inſtead of ſucceſs in our endeavours, the rent "is become wider. Nay, diviſions have proceeded to "ſuch a height, as to prove matter of encouragement to "our enemies beyond ſea to employ their emiſſaries "among you in order to debauch our good ſubjects "from their allegiance, and to render that our ancient "kingdom a ſcene of blood and diſorder, merely, as "they ſpeak, to make you ſerve as a diverſion.

"But we are willing to hope, that none of our ſubjects, but ſuch as were obnoxious to the laws for "their crimes, or men of low and deſperate fortunes, "or that are otherwiſe inconſiderable, have given ear to "ſuch pernicious contrivances. And we have no reaſon to doubt of the aſſurances given us by thoſe now "intruſted with our authority, that they will uſe their "utmoſt endeavours to convince our people of the advantage and neceſſity of the preſent meaſures. For "we have always been inclined to believe, that the late "miſtakes did not proceed from any want of duty and

1704. " reſpect to us, but only from different opinions as to
" meaſures of government.

" This being the caſe, we are reſolved, for the full
" contentment and ſatisfaction of our people, to grant
" whatever can, in reaſon, be demanded for rectifying of
" abuſes and quieting the minds of all our good ſub-
" jects.

" In order to this, we have named the marquiſs of
" Tweedale our high-commiſſioner, he being a perſon
" of whoſe capacity and probity, or qualifications and
" diſpoſitions to ſerve us and the country, neither we
" nor you can have any doubt. And we have fully
" impowered him to give you unqueſtionable proofs of
" our reſolution to maintain the government, both in
" church and ſtate, as by law eſtabliſhed, in that our
" kingdom; and to conſent to ſuch laws, as ſhall be
" found wanting for the further ſecurity of both, and
" preventing all encroachments on the ſame for the
" future.

" Thus having done our part, we are perſuaded, that
" you will not fail to do yours, but will lay hold on
" this opportunity to ſhew the world the ſincerity of
" the profeſſions made to us, and that it was the true
" love of your country, and the ſenſe of your duty to it;
" and therefore not the want of duty to us (for we
" ſhall always reckon theſe two inconſiſtent) that was
" at the bottom of the late miſunderſtandings.

" The main thing, that we recommend to you, and
" which we recommend to you with all the earneſtneſs
" we are capable of, is the ſettling of the ſucceſſion
" in the proteſtant line, as that which is abſolutely ne-
" ceſſary, for your own peace and happineſs, as well as
" our quiet and ſecurity in all our dominions, and for
" the reputation of our affairs abroad; and conſequent-
" ly for the ſtrengthening the proteſtant intereſt every
" where.

" This has been our firſt judgment and reſolution
" ever ſince we came to the crown; and, though hither-
" to opportunities have not anſwered our intentions,
" matters are now come to that paſs, by the undoubt-
" ed evidence of the deſigns of our enemies, that a
" longer delay of ſettling the ſucceſſion in the proteſt-
" ant line may have very dangerous conſequences; and
" a diſappointment of it would infallibly make that our

" king-

kingdom the ſeat of war, and expoſe it to devaſtation and ruin. 1704.

" As to the terms and conditions of government, with regard to the ſucceſſor, we have impowered our commiſſioner to give the royal aſſent to whatever " can, in reaſon, be demanded, and is in our power to " grant for ſecuring the ſovereignity and liberties of that " our ancient kingdom.

" We are now in a war, which makes it neceſſary " to provide for the defence of the kingdom; the time " of the funds, that were lately given for maintenance " of the land forces, being expired, and the ſaid funds " exhauſted, proviſion ought alſo to be made for ſup- " plying the magazines with arms and ammunition, and " repairing the forts and caſtles, and for the charge of " the frigates, that prove ſo uſeful for guarding the coaſts.

" We earneſtly recommend to you whatever may " contribute to the advancement of true piety, and diſ- " couragement of vice and immorality; and, we doubt " not, but you will take care to encourage trade, and " improve the product and manufactories of the nation, " in all which, and every thing elſe, that can be " for the good and happineſs of our people, you ſhall " have our hearty and ready concurrence. We ſhall only " add, that unanimity and moderation in all your pro- " ceedings will be of great uſe for bringing to a happy " iſſue the important affairs, that we have laid before " you, and will be alſo moſt acceptable to us. So we " bid you heartily farewel."

Given at our court at Windſor-caſtle, the 25th day of June 1704, and of our reign the third year.

The queen's letter was ſeconded by the ſpeeches of the high-commiſſioner and lord-chancellor, all tending to the ſettling the ſucceſſion, which was the firſt debate (a). A great party was now wrought on, when they underſtood that the ſettlement of 1641 was to be offered them. For the wiſeſt patriots in that kingdom had always magnified

(a) The earl of Cromarty made alſo a ſtrange ſpeech (which was printed) running into a diſtinction among divines, between the revealed and ſecret will of God, ſhewing, that no ſuch diſtinction could be applied to the queen; ſhe had but one will, and that was revealed: But notwithſtanding this ſpeech, it was ſtill ſuſpected, that at leaſt her miniſters had a ſecret will in this caſe.

1704. nified that conſtitution, as the beſt contrived ſcheme t[hat] could be deſired: ſo they went in, with great zeal, to accepting of it. But thoſe who, in the former ſeſſion, rejected all the motions of treating with England with ſcorn, and had made this their conſtant topic, that the muſt, in the firſt place, ſecure their own conſtitution at home, and then they might truſt the reſt to time, and to ſuch accidents as time might bring forth; now when they ſaw that every thing that could be deſired was offered with relation to their own government, they (being reſolved to oppoſe any declaration of the ſucceſſion, what terms ſoever might be granted to obtain it) turned the argument wholly another way, to ſhew the neceſſity of a previous treaty with England. They were upon that told, that the queen was ready to grant them every thing that was reaſonable, with relation to their own conſtitution, yet, without the concurrence of the parliament of England, ſhe could grant nothing in which England was concerned; for they were for demanding a ſhare of the plantation-trade, and that their ſhips might be comprehended within the act of navigation.

July 13. Purſuant to the ſcheme of a treaty before the ſucceſſion was fixed, the duke of Hamilton preſented a reſolve, "That "this parliament would not proceed to name a ſucceſſor to "the crown, until the Scots had a previous treaty with "England, in relation to commerce and other concerns." The courtiers, not expecting the cavaliers would have begun ſo early to oppoſe the Succeſſion, were not a little ſurpriſed and perplexed at this reſolve, and all they could do for the preſent was to procure a vote, that it ſhould lie on the table till the next meeting four days after. The duke of Hamilton having then moved the reſuming of the conſideration of his reſolve, it occaſioned a warm debate, in which Fletcher of Salton, in a particular manner, repreſented the hardſhips and miſeries which the Scots had ſuffered ſince the union of the two crowns under one ſovereign, and the impoſſibility of bettering their condition, unleſs they took care to prevent any deſign that tended to continue the ſame. Upon this, the earl of Rothes preſented another reſolve, "That this parliament would immediately proceed "to make ſuch limitations and conditions of government, "as might be judged proper for rectifying the conſtitution, "and to vindicate and ſecure the ſovereignty and independency of the nation; and then the parliament would take "into conſideration the other reſolve offered by the duke of "Hamilton for a treaty, previous to the nomination of a

"ſucceſſor

" ſucceſſor to the crown." This occaſioned a new debate, wherein the court-party earneſtly urged the ſettling the ſucceſſion, before the houſe proceeded to any other buſineſs; and, on the other hand, the cavaliers made very ſharp reflections on the proceedings of the parliament of England, with relation to the plot, which had great influence on many members wholly unacquainted with that affair. However, the court-party, thinking they were ſtrong enough to give the earl of Rothes's motion the preference to the duke of Hamilton's reſolve, inſiſted to have the queſtion ſtated, Which of the two ſhould come firſt under the conſideration of the houſe? Upon which, great heats aroſe, and Sir James Falconer of Phеſdo ſpoke to this purpoſe, " That he " was very glad to ſee ſuch an emulation in the houſe, " upon account of the nation's intereſt and ſecurity: that " he thought both the reſolves under their conſideration ſo " good and neceſſary, that it was pity they ſhould claſh " with one another; he therefore moved, that it be re- " ſolved, that this parliament will not proceed to the nomi- " nation of a ſucceſſor, until there was a previous treaty " with England, for regulating the commerce, and other " affairs with that nation: and, that this parliament will " proceed to make ſuch limitations and conditions of go- " vernment, as may ſecure the religion, liberty, and inde- " pendency of this nation, before they proceed to the nomi- " nation of a ſucceſſor to the crown." This joint reſolve being put to the vote, it was carried by a majority of fifty-five voices. Of theſe, about thirty were in immediate dependence on the court, and were determined according to directions given them. However, they went no farther in this vote for a treaty with England; for they could not agree among themſelves who ſhould be the commiſſioners, and thoſe, who oppoſed the declaring the ſucceſſion, were concerned for no more, when that affair was laid aſide. It was therefore poſtponed, as a matter about which they took no farther care. 1704.

The cavaliers were extremely elated by this victory; and the duke of Athol, lord privy-ſeal, and one of their leaders, moved, " That her majeſty having been pleaſed to ſignify " by her commiſſioner, that the examination of the plot " ſhould be laid before the parliament, his grace would be " pleaſed to write to her majeſty, to ſend down the perſons, " who were witneſſes, and all the papers relating to that " plot, as ſoon as poſſible, that the affair might be thoroughly " examined: and thoſe, who were unjuſtly accuſed, might

" be vindicated, and the guilty punished." Whereupon the lord-chancellor declared, by order of the lord-commissioner, that his grace had written, and would write again to the queen, for all the evidences relating to the plot. Two days after, the duke of Hamilton moved, " That the parliament would proceed to make such limitations and conditions of government, for the rectifying of the constitution, as might secure the religion, liberty, and independency of this nation; and that they would name commissioners to treat with England, for regulating the commerce, and other concerns with that nation, previous to all other business, except an act for two months cess, first of all to be granted for the present subsistence of her majesty's forces." Upon this, the earl of Marchmont made a long speech, importing, " That, since the house had resolved not to fall immediately upon settling the succession, it was reasonable, that an act should be made to exclude all popish successors." To which the duke of Hamilton answered, " That he should be one of the first who should draw his sword against a popish successor, though he did not think this a proper time, either to settle the succession, or to consider of the earl of Marchmont's proposal." After some debate, the consideration of the duke of Hamilton's motion was adjourned for two days, when it was moved, That the act presented by the lord-justice clerk, and declared by him to be for fourteen months supply, payable in two years, might likewise be considered. After a debate, it was put to the vote, Whether to give a cess for two, or for fourteen months? and, it was carried by sixteen voices, that it should be for two months only. The act of supply was, four days after, taken again into consideration; but there was tacked to it a great part of the bill for the security of the nation, which (as hath been related) passed the former session of parliament, but was refused by the throne *. After some debate, the following resolve was offered by the lord Ross, " That the parliament will proceed to grant two months supply for subsisting her majesty's forces; and, as soon as the act of security, now read, has got the royal assent, will give four months more." And then a second resolve was presented by the earl of Roxburgh, " That there be a first reading marked on the act of security; and that both this act, and that for the supply, lie, without being further proceeded on, until her majesty's commissioner receive instructions as to the act of security, it being then free

July 21.

July 25.

* See vol. III. of continuation.

"free for the parliament to proceed to the acts jointly or "ſeparately, as they ſhould think fit." After reaſoning on both theſe reſolves, the queſtion was ſtated, Whether to approve the lord Roſs's or the earl of Roxburgh's? It was carried for the lord Roſs's; and the act of ſecurity being read, a firſt reading was ordered to be marked thereon. Theſe things were carried with great heat and vehemence; for (as was before obſerved) a national humour of being independent on England, fermented ſo ſtrongly among all ſorts of people without doors, that thoſe who went not into every hot motion that was made, were conſidered as the betrayers of their country: and they were ſo expoſed to a popular fury, that ſome of thoſe who ſtudied to ſtop the torrent, were thought to be in danger of their lives. The preſbyterians were ſo overawed with theſe proceedings, that though they wiſhed well to the ſettling the ſucceſſion, they durſt not openly declare it. The dukes of Hamilton and Athol led all theſe violent motions, and the whole nation was ſtrangely inflamed. 1704.

The miniſters were in great perplexity how to act, with regard to the ſupply-bill, and the tack that was joined to it. If it was denied, the army could be no longer kept up; they had run ſo far in arrear, that, conſidering the poverty of the country, that could not be carried on much longer. Some ſuggeſted, that it ſhould be propoſed to the Engliſh miniſtry to advance the ſubſiſtence-money, till better meaſures could be taken; but none of the Scotch miniſters would agree to that. An army is reckoned to belong to thoſe who pay it; and therefore an army, paid from England, would be called an Engliſh army. Nor was it poſſible to manage ſuch a thing ſecretly. It was well known that there was no money in the Scotch treaſury to pay them; ſo that, if money were once brought into the treaſury how ſecretly ſoever, all men muſt conclude, that it came from England. And mens minds were then ſo full of the conceit of independency, that, if a ſuſpicion aroſe of any ſuch practice, probably it would have occaſioned tumults Even the army itſelf was ſo inflamed with this temper, that it was believed, that neither officers nor ſoldiers would have taken their pay, if they had believed it came from England. The affair was therefore reduced to this dilemma, that either the army muſt be diſbanded, or the bill muſt paſs. It is true, the army was a very ſmall one, not above three thouſand; but it was ſo ordered, that it was double or treble officered: ſo that it could have been eaſily increaſed to a much greater number,

if

1704. if there had been occaſion for it. The officers had ſerved long, and were men of a good character. Since therefore there were alarms of an invaſion, which both ſides looked for, and the intelligence which the court had from France, aſſured them it was intended; the miniſters thought the inconveniencies ariſing from the tack might be remedied afterwards; but that the breaking of the army was ſuch a pernicious thing, and might end ſo fatally, that it was not to be ventured on: therefore, by common conſent, a letter was wrote to the queen, which was ſigned by all the miniſters in Scotland, in which they laid the whole matter before her, and every thing ſtated and balanced; concluding with their humble advice to paſs the bill. This was very heavy on the lord Godolphin, on whoſe counſel the queen chiefly relied. He ſaw, that the ill conſequences of breaking the army, and laying that kingdom open to an invaſion, would fall on him, if he ſhould, in contradiction to the advice given by the miniſtry of Scotland, have adviſed the queen to reject the bill. This was under conſideration in the end of July, when affairs abroad were in a great uncertainty; for though the victory at Schellenburg was a good ſtep, yet the great deciſion was not then come. He thought therefore, conſidering the ſtate of affairs, and the accidents which might happen, that it was the ſafeſt thing for the queen to comply with the advice of thoſe to whom ſhe truſted the affairs of
Aug. 5. that kingdom. The queen ſent orders to paſs the bill, which being done, the commiſſioner made the following ſpeech on the occaſion.

My lords and gentlemen,

"AT your ſitting down, her majeſty, in her gracious letter, recommended to you two things, which ſhe "thought moſt neceſſary for your own quiet and ſecurity, as "well as for that of her government; the ſettling of the ſucceſſion in the proteſtant line, and the providing for the ſubſiſtence of the forces, the funds laſt given for that end "being then exhauſted. The firſt of theſe you have not "thought fit for your intereſt to do at this time. I heartily "wiſh you may meet with an opportunity for it more for "your advantage at another. The other all of you ſeemed "moſt ready and willing to go into, as witneſs the ſeveral "motions and reſolves made thereanent; but, withal, "ſhewed ſtrong inclinations for an act of ſecurity, as abſolutely neceſſary. I told you then, as I had done at firſt, "that I had been fully impowered and inſtructed, not only

"as

" as to that, but many other things for your good; but, 1704.
" upon the alteration of circumſtances, had not now the
" liberty to make uſe of thoſe powers even as to that, till I
" had acquainted her majeſty, and knew her mind, which
" I would do, and uſe my utmoſt intereſt to procure it fa-
" vourable; which was the true reaſon of your long ad-
" journment, and not what was inſinuated by ſome, who
" ought to have known me better, the character I have in
" the world being, as I hope, above ſo mean a reflection.

" And now, my lords and gentlemen, I can tell you,
" that, from her majeſty's innate goodneſs and gracious
" diſpoſition towards you, it hath been more eaſy for me,
" and ſome other of her ſervants, to prevail with her, than
" perhaps was by others expected; ſo that you have an act
" of ſecurity ſufficient for the ends propoſed. And it is
" hoped, at the ſame time, you will perfect that of ſupply,
" which you yourſelves ſeem convinced to be abſolutely
" neceſſary at this time, and without which neither the
" forces can be kept on foot, nor any frigate maintained
" for guarding our coaſts and ſecuring our trade; both
" which now lying before you, I hope you will go pre-
" ſently about, that, when finiſhed, they may have the
" royal aſſent, which I am ready to give. And therefore
" you may have time to proceed to other buſineſs relating
" to trade, or your other concerns, wherein I ſhall be
" willing to comply with your deſires, ſo they be within
" the bounds of my inſtructions."

Thus this act of ſecurity was paſſed after the battle of Blenheim was over, but ſeveral days before the news of it reached England. When the act paſſed, copies of it were ſent to England, where it was ſoon printed by thoſe who were uneaſy at the lord Godolphin's holding the white ſtaff, and reſolved to make uſe of this againſt him; for the whole blame of paſſing it was caſt upon him. (a) It was not poſ-

ſible

(a) This act was in ſubſtance much the ſame with that to which the duke of Queenſberry had refuſed the royal aſſent. By the act it was provided, that, if the queen ſhould die without iſſue, a parliament ſhould preſently meet, and they were to declare the ſucceſſor to the crown, who ſhould not be the ſame perſon that was poſſeſſed of the crown of England, unleſs before that time there ſhould be a ſettlement made in parliament, of the rights and liberties of the nation, independent on Engliſh councils. By another clauſe in the act, it was made lawful to arm the ſubjects, and to train them and put them in a poſture of defence. This was chiefly preſſed, in behalf of the

beſt

1704. ſible to prove, that he had adviſed the queen to it, and therefore ſome took it by another handle, and reſolved to urge it againſt him, that he had not perſuaded the queen to reject it, though that ſeemed a great ſtretch; for, he being a ſtranger to Scotland, it might have been liable to more objection, if he had preſumed to adviſe the queen to refuſe a bill paſſed in the parliament of that kingdom, which all the miniſtry there adviſed her to paſs. Severe cenſures were paſſed upon this act. It was ſaid, that the two kingdoms were now divided by law, and that the Scots were putting themſelves in a poſture to defend it; and all ſaw by whoſe advices this was done. One thing, which contributed to keep up an ill humour in the parliament of Scotland, was more juſtly imputed to him. The queen had promiſed to ſend down to them all the examinations relating to the plot. If theſe had been ſent down, probably in the firſt heat the matter might have been carried far againſt the duke of Queenſberry. But he, who ſtayed all the while in London, got it to be repreſented to the queen, that the ſending down theſe examinations, with the perſons concerned in them, would run the ſeſſion into ſo much heat, and into ſuch a length, that it would divert them quite from conſidering the ſucceſſion, and it might produce a tragical ſcene. Upon theſe ſuggeſtions, the queen altered her reſolution of ſending them down; and though repeated applications were made to her, both by the parliament and her miniſters, to have them ſent, yet no anſwer was made to theſe, nor was ſo much as an excuſe made for not ſending them. The duke of Queenſberry, having gained this point, got all his friends to join with the party that oppoſed the new miniſtry. This both defeated all their projects, and ſoftened the ſpirits of thoſe who were ſo ſet againſt him, that in their firſt fury no ſtop could have been put to their proceedings. But now the party that had deſigned to ruin him, was ſo much wrought on by the aſſiſtance that his friends gave them in this ſeſſion, that they reſolved to preſerve him.

The parliament having granted a ſix months ceſs for the pay of the army, they were entering upon debates about the
Aug 27. plot and the proceedings of the Engliſh houſe of Lords in that affair, as an undue intermeddling with their concerns, and an incroachment upon the ſovereignty and independency of their nation, when the high-commiſſioner told them, that

beſt affected in the kingdom, who were not armed; for the Highlanders, who were the worſt-affected, were well armed; ſo, to balance that, it was moved, that leave ſhould be given to arm the reſt.

that he was not allowed to give them any more time, but that they ſhould ſoon have another opportunity of doing what ſtill remained to be done; for no diſappointment her majeſty had met with, could alter in the leaſt her favourable diſpoſitions towards that her ancient kingdom. After which the parliament was prorogued to the 7th of October. However, before they ſeparated, they drew up an addreſs to the queen, deſiring, that the evidence and papers relating to the plot might be laid before them againſt the next ſeſſion. 1704.

This was the ſtate of that nation, which was aggravated very odiouſly all over England. It was confidently, though, as was afterwards known, very falſely reported, that great quantities of arms were brought over, and diſperſed through the whole kingdom. And, it being well known how poor the nation was at that time, it was ſaid thoſe arms were paid for by other hands, in imitation of what it was believed cardinal Richelieu did in the year 1638. Another thing was given out very maliciouſly by the lord Godolphin's enemies, that he had given directions under-hand to hinder the declaring the ſucceſſion; and that the ſecret of this was truſted to Mr. Johnſton, who, they ſaid, talked openly one way, and acted ſecretly another, though there never appeared any colour of truth in thoſe reports. Great uſe was to be made of the affairs of Scotland, becauſe there was no ground of complaint of any thing in the adminiſtration at home. All the duke of Marlborough's enemies ſaw, that his chief ſtrength lay in the credit which the lord Godolphin was in at home, while he was ſo ſucceſsful abroad; ſo that it being impoſſible to attack him in ſuch a courſe of glory, they laid their aims againſt the lord-treaſurer. The tories reſolved to attack him, and that diſpoſed the whigs to preſerve him; and this was ſo managed by them, that it gave a great turn to all the councils at home.

Changes in the Scots miniſtry.

Immediately after the adjournment of the parliament, the courtiers repaired to London, where the marquis of Tweedale was made chancellor of Scotland; the earls of Seafield and Roxburgh, ſecretaries of ſtate; the earl of Rothes, lord-privy-ſeal; the earl of Cromarty, juſtice-general; Mr. Bailie of Jervis-wood, treaſurer-deputy; and the earl of Selkirk, lord Belhaven, and Sir John Hume, lords of the treaſury: Sir William Hamilton was alſo made juſtice-clerk; but he lived not to enjoy that office many months, and was ſucceeded by Adam Cockburn of Ormiſtown. A new commiſſion was, at the ſame time, ſent down to Edinburgh, by which moſt of the cavaliers, and all the duke of Queenſberry's Lockhart.

1704. ſberry's friends, were laid aſide, and it was made up intirely of Scots revolutioners. And thus the adminiſtration of affairs in Scotland was lodged in the hands of a body of men, who concurred with the meaſures at that time purſued by the court of England. It is now time to turn to the operations of the war.

The duke of Marlborough conducts his deſign with great ſecrecy. Burnet.

The affairs of the empire were, in the beginning of this campain, in a very deſperate condition. The emperor was reduced to the laſt extremities. The elector of Bavaria was maſter of the Danube as far as Paſſau, and the malecontents in Hungary were making a formidable progreſs. The emperor was not in a condition to maintain a defenſive war long on both ſides, nor was he able to make any oppoſition at all againſt them, ſhould they once come to act by concert. Thus his affairs had a very gloomy appearance, and utter ruin was to be apprehended. Vienna was in apparent danger of being beſieged on both ſides, and it was not capable of making a long defence; ſo that the houſe of Auſtria ſeemed loſt beyond all proſpect of a recovery. Prince Eugene wiſely propoſed, that the emperor ſhould implore the protection of the queen of Great-Britain, which was agreed to, and count Wratiſlaw managed the affair at the court of England with great application and ſecrecy (a). The duke of

(a) However, for form ſake, and to prepare the way for the reception of a reſolution that had been already taken, Wratiſlaw preſented the following memorial to the queen on the 2d of April:

"That he had ſeveral times "repreſented to her majeſty's "miniſters, by word of mouth, "the preſſing neceſſities of the "Empire, by the breaking in "of a conſiderable army of "French into Bavaria; which "(together with the inſurrection in Hungary) had reduced "the imperial hereditary countries to an incredible perplexity and confuſion; ſo "that it was to be feared, that "an intire revolution and deſolation of all Germany would "follow, if ſome ſpeedy aſſiſtance were not applied, proportionable to the great dangers they were threatned with. He was indeed extremely well ſatisfied with the zeal which her majeſty's miniſters had for the common cauſe, and with the attention they gave to his repreſentations. But nothing being as yet reſolved on, though the ſeaſon was far advanced; and the final reſolution on the ſeveral ſchemes which had been preſented, being deferred till the arrival of the duke of Marlborough at the Hague, he thought himſelf obliged, before his grace's departure, to do his utmoſt endeavour, by repreſenting in writing the danger wherein the emperor and empire were at preſent involved.

of Marlborough ſaw the neceſſity of undertaking the emperor's relief, and reſolved to uſe all poſſible endeavours to put it in execution. When he went into Holland in the winter, he propoſed it to the penſionary, and other perſons of the greateſt confidence. They approved it, but it was not adviſeable to propoſe it to the States; ſince at that time many would not have thought their country ſafe, if their army ſhould be ſent ſo far from them; and nothing could be long a ſecret, which was propoſed to ſuch an aſſembly, whereas the main hope of ſucceeding in this deſign lay in the ſecrecy with which it was conducted. Therefore, under the pretext of carrying the war to the Moſelle, every thing was prepared that was neceſſary for executing the true deſign. 1704.

" involved. That her majeſty " out of the ſame zeal for pre- " ſerving the liberties of Eu- " rope, for which ſhe was ſo " much famed, would be pleaſed " to order the duke of Marl- " borough, her captain-general, " ſeriouſly to conſult with the " States-general, concerning " the ſpeedieſt method for aſ- " ſiſting the empire; or, at " leaſt, to conduct part of the " troops in her majeſty's pay " beyond the ſea, to preſerve " Germany from a total ſub- " verſion; it not being juſt in " itſelf, nor any ways advan- " tageous to the common cauſe, " that her majeſty's troops " ſhould continue on the fron- " tiers of Holland, which were " not in the leaſt threatened by " the enemy, and were defend- " ed by great rivers and ſtrong " places, whilſt the empire was " deſtroyed by the French troops " with fire and ſword." In concluſion count Wratiſlaw declared, " That the repreſenta- " tions he had made were " grounded on the alliance con- " cluded between the emperor, " England, and Holland, pur- " ſuant to which, he hoped her " majeſty would give ſuch or- " ders as were neceſſary for the " aſſiſtance of Germany, by " the want of which he foreſaw " the miſchiefs that would ariſe " to the common cauſe, eſpe- " cially if the orders of the " States-general to recall their " troops from the empire ſhould " take place, at a time when " France endeavour'd to ſend " a powerful aſſiſtance to their " army in Bavaria."

To this memorial the queen was pleaſed to return an anſwer, importing, " That ſhe had given " directions to the duke of " Marlborough to take the moſt " effectual methods with the " States-general of the United " Provinces, her good allies " and confederates, to ſend a " ſpeedy relief to his imperial " majeſty and the empire, and " to preſs the States to take the " neceſſary meaſures to reſcue " Germany from the imminent " danger to which it was now " expoſed." Lamberti III.

It is ſaid the duke of Marlborough communicated his project at firſt only to the queen, prince George, and the treaſurer, and in Holland only to the penſionary and deputy Geldermallen.

1704. The duke of Marlborough, with his brother general Churchill, lieutenant-general Lumley, the earl of Orkney, and other general officers, embarked for Holland, and in three days arrived at the Hague. Two days after his coming, he was attended by a solemn deputation of the States, in order to confer with him. The conference lasted six hours. The chief subject of debate was about sending a good army towards the Moselle. This was all that was proposed in public, and to this the States of Zealand, and two other provinces, strongly objected. They would not agree, that the duke should have an unlimited command to lead the army where he pleased, and thought it a very dangerous project to march the troops at so great a distance. The Zealand deputies opposed it so strenuously, that the duke was obliged to tell them plainly, that he had the queen's positive orders to march with the troops in her pay towards the Moselle. Accordingly, having taking his leave of the States, the duke set out from Holland, and in five days arrived at Maestricht, where his army was incamped. About the same time, the States regulated the posts of their general officers. Monsieur Auverquerque, their field-marshal, was appointed to command their forces on the Maese, having under him the counts de Tilly and Noyelles; Slangenburg those on the Moselle; Salisch in Brabant; and Spaar and Fagel in Flanders.

The duke of Marlborough arrives in Holland, April 21, N. S. Brodrick. Conduct of the duchess of Marlb. Lamberti.

The duke of Marlborough's march into Germany. May 5. May 10.

May 18. From Maestricht the duke of Marlborough marched to Bedburg, and his camp being near Cologne, he was waited on by the canons of that chapter, the prince of Saxzeits, bishop of Roab, the prince of Hesse, count Briançon, the duke of Savoy's envoy to the queen of England, and other princes and generals.

The French endeavour to stop his march.

The French in Flanders began by this time to be alarmed, though they were far from suspecting the duke's real design. His marching towards Coblentz, and the great preparations which were making in that place, made them believe, that he designed to open the campain with the siege of Traerbach, and endeavour to advance along the Moselle into France. Upon this supposition they detached five thousand foot, and two thousand horse towards that river, and gave out, that they intended the siege of Huy, vainly imagining, that by this report they might stop the progress of the English general. But the duke, well knowing that the forces which were left in Flanders under Auverquerque, were sufficient to frustrate any attempt which the French could make on that side, continued his march, and advanced from Bedburg to

Kerpenord, the next day to Kalſecken, where he received 1704.
an expreſs from prince Lewis of Baden, with ſome inter-
cepted letters, by which it appeared, that the French in- May 20.
tended to force their paſſage through the Black-foreſt, and,
after joining the Bavarians, to march directly to Vienna.
About the ſame time, the duke received advice from the
Netherlands, that the court of France had ſent poſitive or-
ders to Villeroy to march towards the Moſelle with five and
thirty battalions, and ſix and forty ſquadrons, being ſtill
firmly perſuaded, that the duke would act on that ſide.
Upon this, the duke gave immediate orders for his forces to
march with all expedition; and whilſt the army was on a May 23.
full march, he went to take a view of the fortifications of
Bonne, where, having given his directions to the governor
of that place, he returned in the evening to the army. Here
he received certain advice, that the recruits for the French
army in Bavaria, with farther reinforcements, had joined
the elector three days before at Villingen. But the duke,
notwithſtanding this junction of the enemies, was, on ac-
count of the number of the troops which the French left
behind them, and by the marſhal's marching back with the
reſt of his army towards the Rhine, confirmed in his opinion,
that the enemies were as yet wholly ignorant of his deſign.
He therefore continued his march with unwearied diligence,
and advanced to the camp of Neudorff near Coblentz, where, May 25.
beſides Mr. Davenant, the queen's agent at Francfort, and
Monſieur d'Amelo, envoy extraordinary from the States-
general, count Wratiſlaw, in his return from London,
waited on him to ſettle all things for his farther march, and
his conjunction with the imperial army. Then the duke June 3.
paſſed the Neckar near Ladenburg, where he reſted three
days. Having, by this time, gained the advance of ſome
days of the French army, he wrote to the States from La-
denburg, to let them know that he had the queen's order to
march to the relief of the empire, with which he hoped
they would agree, and allow his carrying their troops to
ſhare in the honour of that expedition. He had their an-
ſwer as quick as the courier could bring it, by which they
approved of the deſign, and of his carrying their troops
with him. So he had now the whole army at his own
diſpoſal.

The French imagining that he would advance to the Upper-Rhine, Villeroy marched thither with all poſſible ſpeed; and, at the ſame time, a detachment of ſeven battalions and twenty-one ſquadrons, from the confederate army

1704. in Flanders, under the duke of Wirtemberg, followed the duke of Marlborough, who marched from Ladenburg to
June 9. Mildenheim, where, the next day, prince Eugene paid him a viſit. The conſultations between the prince and the duke laſted ſeveral hours; and it was agreed upon, that the two armies ſhould join, and the duke and prince Lewis of Baden ſhould command each day alternately, and that prince Eugene ſhould go upon the Rhine to command a ſeparate army.
June 12. The troops being drawn up in order of battle, the duke accompanied prince Eugene to a review, when the prince ſeemed wonderfully pleaſed to find them in ſuch excellent
June 14. order after ſo long a march (a). The next day, prince Lewis of Baden arrived in the camp at Great-Heppach, where a conference was held in the evening. The day following the troops marched from Great-Heppach, and prince Lewis went to his army on the Danube, and prince Eugene rid poſt for Philipſburgh to command the army on the Rhine, and on the 22d joined prince Lewis of Baden at Waſterſtet. On the 24th the army marched from thence to Elchingen, the next day to Gingen. On the 30th the army marched from thence to Landthauſſen on the right, and Balmertſhoffen on the left, and paſſed ſo near the enemy's camp, that lieutenant-general Bulau was ſent out the night before with a detachment of two thouſand horſe and dragoons, to ſecure the avenues, by which they might have diſturbed the march of the allies, who, by this means, proceeded without any oppoſition. On the firſt of July they continued their march in ſight of the enemy's intrenchments at Dillingen, and incamped the right at Amerdighen, and the left at Onderingen.

While they lay in this camp, the duke received advice, that the elector of Bavaria had ſent the beſt of his infantry to reinforce count d'Arco, who was poſted at Schellenberg, a riſing ground on the Danube, near Donawert, where, for ſeveral days, he had cauſed ſome thouſands of men to work upon intrenchments, as being a poſt of vaſt importance.

The battle of Schellenberg. The duke reſolved to march and attack the enemy; and the neceſſary directions being given to the army, on the 2d of July, early in the morning, he advanced with a detachment

(a) Prince Eugene ſaid to the duke, "I never ſaw better "horſes, arms, and cloathing, "but all theſe things may be "purchaſed with money; what "ſtrikes me moſt, is the cou- "rage which appears in the "countenance of the ſoldiers, "of which I never ſaw the like "in any troops." Lamberti III. 80.

ment of thirty ſquadrons of Engliſh and Dutch, a conſiderable number of foot commanded by lieutenant-general Goor, three battalions of imperial grenadiers under prince Lewis of Baden, and the reſt of the army followed with all poſſible diligence. But the march being long, and the ways very bad, they could not reach the river Wermitz, which run by Donawert, till about noon, and it was three hours before the bridges were finiſhed, for the troops and cannon to paſs over. About five o'clock in the afternoon, they came before Schellenberg, and the duke of Marlborough moved up with the horſe as near the enemy's intrenchments as was neceſſary to take a view of them. In the mean time, the artillery began to fire upon the enemy, who anſwered briſkly from their batteries for about an hour, when the Engliſh and Dutch foot, ſupported by the horſe and dragoons, began the attack with prodigious reſolution, before the imperialiſts could arrive; but, having the greateſt part of the enemy's forces to contend with, they were at firſt obliged to give ground. Soon after the imperialiſts came up very ſeaſonably, and being led on in good order by prince Lewis of Baden, advanced to the enemy's works without once firing, threw their faſcines into the ditch, and paſſed over with inconſiderable loſs. The enemy's horſe charged them vigorouſly, but were repulſed; and then, the imperial cavalry entering their intrenchments, and the Engliſh and Dutch breaking in about the ſame time, the confederates made a dreadful ſlaughter of the enemy. Lieutenant-general Goor, who commanded the firſt detachment of foot, and major-general Beinheim, both in the Dutch ſervice, loſt their lives very much lamented. The horſe and dragoons ſhared the glory of the day with the infantry, and all the confederate troops behaved themſelves with incredible bravery and reſolution. But, as the attack was begun by a battalion of the Engliſh foot-guards, and the regiments of Orkney and Ingoldſby, they ſuffered very much. The enemy's forces conſiſted of thirty-two thouſand men, all choice troops, commanded in chief by count d'Arco, and under him by two Bavarian and two French lieutenant-generals. As ſoon as the confederates had poſſeſſed the intrenchments, the enemy ran away in great confuſion to Donawert and the Danube; but, being cloſely purſued by the horſe and dragoons, a great many followed the example of their generals, who ſaved themſelves by ſwimming over that river. The loſs of the enemy was computed to be about ſix thouſand men. The confederates made themſelves maſters of ſixteen pieces of cannon, 1704.

1704. thirteen colours, with all their tents and baggage. The duke of Marlborough gained great honour in this action, giving directions with extraordinary preſence of mind, and expoſing his perſon to the greateſt danger. Prince Lewis of Baden was wounded, having performed the part of a brave experienced general; as was alſo the hereditary prince of Heſſe-Caſſel, who, throughout the whole action, gave ſignal proofs of an undaunted courage. Count Stirum was mortally wounded. General Thungen, count Horn, lieutenant-general Wood, major-general Paland, and ſeveral other officers of diſtinction, were likewiſe wounded. The next day, the Bavarian garriſon quitted Donawert (a) upon the approach of the confederates, and broke down the bridges, but had not time to deſtroy their ammunition and proviſions, as they had intended.

The elector of Bavaria was no ſooner informed of the defeat of his troops at Schellenberg, then he quitted his ſtrong camp between Dillingen and Lavingen, and came to the other ſide of the Danube, over-againſt Donawert, in his march to the river Leche, to prevent the confederates cutting off his retreat to his country.

On the 5th of July, the duke of Marlborough paſſed the Danube near Donawert; and, on the 17th, count de Friſe, with a detachment of four-thouſand men and twelve pieces of cannon, marched over the river Leche, and took poſt in the country of Bavaria. The whole army marched at the ſame time, and incamped with the right at Hamber, and the left at Ginderkingen. Upon the firſt notice of the allies having begun to paſs the Leche, the garriſon of Newburg marched out and retired to Ingoldſtadt. Whereupon a detachment of dragoons was immediately ſent out by the duke of Marlborough to take poſſeſſion of that place; and prince Lewis of Baden ordered general Herberville, who commanded a ſeparate body of between three and four-thouſand men on the other ſide of the Danube, to remain there for the ſecurity of that important place, and for the drawing of proviſions out of Franconia for the ſubſiſtence of the confederate troops, while they continued in Bavaria. On the 10th, the whole army paſſed the Leche; and, on the 13th, count

(a) Donawert is a city of Germany in the confines of Suabia, Neuberg, and Bavaria. It was taken by the duke of Marlborough after the memorable victory above mentioned. It ſtands on the river Danube, twenty five miles north of Augſburg, ſeventeen weſt of Neuburg, and forty four north eaſt of Ulm.

count Vecklen, general of the Palatine horſe, arrived from prince Eugene of Savoy with an account, that the marſhals Villeroy and Fallard had paſſed the Rhine above fort Kehl, in order to ſuccour the elector of Bavaria; for which reaſon he deſired a reinforcement of horſe, to inable him the better to obſerve the enemy's motions. Upon which prince Maximilian of Hanover was detached with thirty ſquadrons of imperial horſe, with orders to join prince Eugene with all poſſible diligence. 1704.

The enemy having left a garriſon at Rain (a), the confederate generals reſolved to attack it; and, in order thereto, the army decamped from Ginderkingen, paſſed the Leche, and came with the right to Stauda, and the left to Berchiem. The garriſon at firſt ſeemed reſolved to defend the place to the laſt extremity; but the beſiegers playing upon the town with twenty-ſeven pieces of cannon, their approaches were carried on ſo ſucceſsfully, that in two days the governor deſired to capitulate; and, the articles being agreed on, the garriſon marched out the next day, to the number of about four hundred foot, commanded by the count de Mercy, brigadier-general, and were conducted by a party of horſe to the elector of Bavaria's camp near Augſburg. There were found in the place twenty-four braſs cannon, a conſiderable quantity of proviſions, and ſome ammunition. The allies, encouraged by the ſucceſs of their arms, were willing to puſh their advantages; and, on the 18th, marched to attack the poſt of Aicha, which had a garriſon of eight or nine hundered Bavarians; who refuſing to ſubmit, were part of them put to the ſword, the reſt made priſoners of war, and the town permitted to be plundered by the ſoldiers. The confederate army having refreſhed themſelves two days at Aicha, marched from thence on the 21ſt, and the next day poſſeſſed themſelves of Friburg. Rain ſurrenders to the allies. July 16.

The duke of Marlborough having now the elector of Bavaria at ſo great a diſadvantage, entered upon a treaty with him, and offered him what terms he could deſire, either for himſelf or his brother, even to the paying him the whole charge of the war, upon condition that he would immediately break with the French, and ſend his army into Italy to join with the imperialiaſts there. The elector's ſubjects, who were now at mercy, preſſed him vehemently to accept Burnet.

(a) Rain is a little town in Germany, in the circle of Bavaria, near the Danube and Leche, ſix miles eaſt of Donawert, and nine weſt of Neuberg.

1704. accept of theſe terms; and he ſeemed inclined to hearken to them, and meſſengers went often between the two armies. But this was done only to gain time, for he ſent courier after courier with moſt preſſing inſtances to haſten the advance of the French army. When he ſaw, that he could gain no more time, the matter went ſo far, that articles were ordered to be made ready for ſigning, which, in concluſion, he refuſed to do. This refuſal was highly reſented by the duke of Marlborough and prince Lewis of Baden, who immediately ſent out the count de la Tour, general of the imperial horſe, and the count of eaſt Friſeland, lieutenant-general in the Dutch ſervice, with thirty ſquadrons of horſe and dragoons, to plunder and burn the country of Bavaria as far as Munich, the capital city, hoping, that either a generous compaſſion for his ſubjects, or the want of ſubſiſtence, would conquer the elector's obſtinacy. In the mean time, the inhabitants of theſe parts were in the greateſt conſternation, and ſent deputies to the duke of Marlborough, offering to pay large contributions to prevent military execution. But the duke replied, "That the forces of the queen of Great-"Britain were not come into Bavaria to get money, but "to bring their prince to reaſon." The two generals therefore put their commiſſion in execution with the utmoſt ſeverity, while the elector of Bavaria and the marſhal de Marſin, having evacuated Ratiſbon, were obliged to confine themſelves within their ſtrong camp and intrenchments at Augſburg, in expectation of another army from France under Marſhal Tallard, which, notwithſtanding all the vigilance and precaution of prince Eugene, arrived before the end of July at Biberach near Ulm, to the number of about twenty-two thouſand men. Upon this, the elector marched with his army from Augſburg, and took that opportunity to join the French.

The confederate army, under the duke of Marlborough, having intelligence of theſe proceedings, decamped on the 4th of Auguſt from Friburg, and marched that night to Kippach.

The next morning they encamped from thence, and marched to Hokenwert, where they continued two days. During that time, the duke of Marlborough, prince Eugene, and prince Lewis of Baden held a council of war; wherein it was agreed, that prince Lewis ſhould beſiege Ingoldſtadt, whilſt the other two were to obſerve the elector of Bavaria. On the 8th, the army under the duke of Marlborough marched from Hokenwert to St. Sanditzel; and, on the

9th

9th from thence to Axheim; and, at the ſame time, prince Lewis went another way, and bent his march directly to Newberg, in order to inveſt Ignoldſtadt. The ſame day, the duke of Marlborough received advice, that the enemy had paſſed part of their army over the Danube, at Lewingen: Whereupon he ordered general Churchill to march with a ſtrong detachment over that river at Schonevelt; to reinforce prince Eugene, who lay encamped at Donawert. The 10th, they marched to Schonevelt; and, the day following, intelligence was brought, that the enemy's troops had all got over the Danube; ſo that the duke of Marlborough immediately ordered his army to march by break of day, and paſs that river likewiſe; which was performed accordingly, and, at night, the whole army, being rejoined, incamped at Munſter. On the 12th, very early in the morning, the generals of the allies went to view the enemy's army, taking with them all the picquet guard, which conſiſted of twenty-eight ſquadrons. The duke of Marlborough and prince Eugene went up to the top of a tower called Thiffingen, that they might the better obſerve the poſture of the enemy; and they took notice, that their advanced ſquadrons, which were in motion towards the allies, ſtopped ſhort, after they had perceived them. They were poſſeſſed of a very advantageous poſt, on a hill near Hochſtet (a), their right flank being covered by the Danube, and the village of Blenheim (b), and the left by the village of Lutzengen; and they had a rivulet before them, whoſe banks were very high, and the bottom marſhy. However, after ſome conſultation, it was thought proper to fall upon the enemy, before they had time to fortify themſelves in that poſt. The duke of Marlborough and prince Eugene ſaw the 1074.

(a) Hochſtet is a pretty large town in Germany, in the circle of Suabia, rendered famous to all poſterity by the glorious victory obtained in its neighbourhood, over the joint forces of France and Bavaria, by the Engliſh, Dutch, and imperial arms, under the conduct of the duke of Marlborough and prince Eugene of Savoy. It lies upon the Danube on the north-ſide, twenty nine miles ſouth-weſt of Ulm, and ten miles weſt-by-ſouth of Donawert.

(b) Blenheim (alias Plenheym) a village in Germany in the circle of Bavaria, upon the confines of Suabia. It ſtands on the north-ſide of the Danube, and has, on the north-eaſt ſide of it a very ſmall rivulet called the Meul-Wyer. It is three miles almoſt eaſt from Hochſtet, nine weſt-ſouth-weſt from Donawert, thirty north eaſt from Ulm, and thirty one north-weſt from Augſburg.

1704. the danger of being forced to lie idle in their own camp, till their forage ſhould be conſumed, and their proviſions ſpent. They had alſo intercepted letters from marſhal Villeroy to the elector of Bavaria, by which it appeared, that he had orders to march into Wirtemberg, to deſtroy that country, and to cut off the communication with the Rhine, which muſt have been fatal to the allies. The neceſſary diſpoſitions were therefore made for the next morning's action. Many of the general officers came and repreſented to the duke of Marlborough the difficulties of the deſign; he anſwered, that he ſaw theſe well, but the thing was abſolutely neceſſary; ſo they were ſent to give orders every where, which were received all over the army with an alacrity that gave a happy preſage of the ſucceſs which followed.

Battle of Hochſtet. Brodrick.

On the 13th of Auguſt, a day which decided the elector's fate by the loſs of all his country, early in the morning, the whole confederate army marched from Munſter, leaving their tents ſtanding; and the duke of Marlborough and prince Eugene, having poſted themſelves on a riſing ground, ſummoned all the general officers, to give them the neceſſary directions, in order to attack the enemy; upon which, the army advanced to the plain, and were drawn up in order of battle. About nine o' clock, the enemy fired ſome cannon upon our troops, as they were marching to form the line, who were anſwered from our batteries with good ſucceſs; and both armies continued cannonading each other till near one; during which time, the duke of Marlborough ordered a little rivulet and moraſs in the front of the enemy to be ſounded; and, where it was found impaſſable, orders were given to the horſe of the ſecond line of the allies to provide themſelves, each ſquadron with twenty faſcines, to facilitate the paſſage. Theſe preparations being made, the duke of Marlborough gave orders for a general attack, which was begun about one o' clock. Prince Eugene and the imperial general officers were on the right: general Churchill, the lord Cutts, lieutenant-general Lumley, the lord Orkney, and lieutenant-general Ignoldſby, with the reſt of the Engliſh and Dutch generals, were on the left; and the duke of Marlborough in the center commanded the whole. Major-general Wilks made the firſt onſet, with five Engliſh battalions of Howe, Ignoldſby, Marlborough, Rowe, and North and Grey, and four battalions of Heſſians, ſupported by the lord Cutts, and major-general St. Paul, with eleven other battalions, and fifteen ſquadrons of horſe, under the com-

command of major general Wood. The five Engliſh bat- 1704.
talions, led on by brigadier Rowe, who charged on foot at the head of his own regiment with unparalleled intrepidity, aſſaulted the village of Blenheim, advancing to the very muzzels of the enemy's muſkets, and ſome of the officers exchanging thruſts of ſwords with the French thro' the paliſadoes. But, being expoſed to a fire much ſuperior to their own, they were ſoon obliged to retire, leaving behind them one third part of their men either killed or mortally wounded, the brigadier who commanded them, being among the laſt. In this retreat, they were purſued by thirteen ſquadrons of the French gendarmerie and carabineers, who would have intirely cut them to pieces, had not the Heſſian infantry ſtopped their career, by the great fire they made upon them. The French being repulſed, and forced to fly in their turn, were chaced by five ſquadrons of Engliſh horſe, who, by this time had paſſed the rivulet; but whilſt the enemy rallied themſelves, ſome freſh brigades, ſuperior in number, came to their aſſiſtance, charged the aſſailants with great vigour, and obliged many of them to repaſs the rivulet with great precipitation. Here again the Heſſian foot performed ſignal ſervice, putting the French to the rout by their continual fire, and regaining the colours, which they had taken from Rowe's regiment.

While Rowe's brigade rallied themſelves, that of Ferguſon, commanded by himſelf, attacked the village of Blenheim, on the left, but with no better ſucceſs; and, though both returned three or four times to the charge with equal vigour, yet they were both ſtill repulſed with like diſadvantage, ſo that it was found impoſſible to force the enemy in that poſt, without intirely ſacrificing the confederate infantry.

The Engliſh foot having thus begun the engagement on the left, the horſe of the ſame wing paſſed the rivulet, with great bravery, over againſt the center or main battalia of the enemy; as did likewiſe that of the right wing, having made ſeveral paſſages with divers pieces of wood. After which thy drew up in order of battle, the French and Bavarians giving them all the time that could be deſired for that purpoſe, keeping themſelves very quiet on the hills, which they were poſſeſſed of, without deſcending into the meadows towards the rivulet, ſo that even the ſecond line of the horſe had time to form themſelves. And to this capital fault of the French, the confederates were thought to have owed principally their victory. This neglect is ſaid to

have

1704. have proceeded from an ill-timed haughtineſs and preſumption of marſhal de Tallard, who, being informed that the allies were laying bridges on the rivulet, uſed this expreſſion, "If they have not bridges enough, I will lend them "ſome;" and when they told him that our troops were actually coming over the rivulet, he is reported to have ſaid, "Let them paſs; the more comes over, the more we ſhall "have to kill and make priſoners." But, on the other hand, it is alledged by ſome that he had given poſitive orders not to let the enemy paſs the rivulet, but to charge them as they paſſed; which orders were not executed (a).

At

(a) Monſieur de Fequieres in his memoirs obſerves, that the loſs of that battle was owing to the inattention of the French generals to thoſe maxims of war, which ought to guide men, when they conſider, whether they have ſufficient reaſons either to give or receive battle, or whether they can derive, from the particular diſpoſition of their troops, any reaſonable hopes of defeating the enemy. In examining this ſubject, the marquis points out firſt the errors, that were committed with reference to the general ſtate of the war in Germany previous to the battle, and then thoſe errors, which appeared in the particular diſpoſition of the French army. With regard to the firſt point, he aſſerts, that it was abſolutely improper at that time, to truſt the decision of the war in Germany to the event of a ſingle battle; and this truth was the leſs doubtful, becauſe it appeared that the Engliſh and Dutch had almoſt abandoned the war in Flanders in that campaign, to make a deciſive effort in Germany, without which the emperor could no longer have ſupported himſelf, nor could they have drawn any ſupplies of men from Germany. The French ought therefore to have avoided this battle, ſince they could have maintained their ſituation, if they had only compelled the Engliſh and Dutch, either to withdraw from that country, or intirely to diſcontinue the war in Flanders. The elector of Bavaria was maſter of the whole courſe of the Danube, almoſt from its ſource to the frontiers of Auſtria, into which he could penetrate when he pleaſed; and therefore the emperor, whoſe attention was then employed by the malecontents in Hungary, was likewiſe obliged to have a watchful eye on Auſtria and Tirol, as well for the preſervation of theſe provinces, as the ſecurity of a free communication with his army in Italy.

The bridges, which the elector of Bavaria had on the Danube, opened to him a free communication with the Upper-Palatinate. The emperor conſequently muſt be always apprehenſive, that he would pour a body of troops into Bohemia, where the people were exceed-

At length the duke's cavalry moving towards the hill, that of marſhal de Tallard came down, and charged them with 1704.

exceeding exaſperated at the ſeverity of the imperial government, and where their fears were the only motives to their ſubmiſſion: which made it likewiſe neceſſary for the emperor to maintain a body of troops to cover Bohemia and Moravia. Nuremberg, an imperial city, and almoſt in the heart of the empire, being the moſt conſiderable city in all the circle of Franconia, it was incumbent on the emperor to preſerve it in the intereſt of the confederates, leſt the elector of Bavaria ſhould make himſelf maſter of it, as he had already ſeized Ulm and Augſberg. Nuremberg therefore could not be preſerved by the protection of the confederate army, which conſequently could not withdraw to any great diſtance from that city, whoſe preſervation was of the more importance to the emperor, ſince the loſs of it would deprive him of all communication with his dominions on the Rhine, except thro' the country on the other ſide of the Mein, which the ſituation of Nuremberg would have rendered altogether impracticable. It was likewiſe evident that the confederate army could not retreat to any conſiderable diſtance from a city, where all their ammunition and proviſions were depoſited. The allies indeed by forcing the paſs at Schellemberg, and taking Donawert, had obtained a bridge over the Danube, and ſeparated the fortified places of the French on the Upper-Danube, from thoſe on the Lower. But, as their proviſions were ſtill lodged either in Nuremberg or Norlingen, they durſt not venture to quit Franconia and Suabia, to advance into Bavaria. This obvious reflection was alone ſufficient to convince the French generals, that their inducements to engage the enemy could not poſſibly have any weight, but that it was rather their intereſt to decline a general action, eſpecially as this cautious cônduct would infallibly have obliged the allies to abandon the parts adjacent to the Danube, when they had conſumed all the forage near that river.

Marſhal de Villeroy was poſted with a conſiderable army before the lines of Biel, which prince Eugene had quitted, with the greateſt part of his regular troops, and unperceived by that general. The conjunction of this prince with the duke of Marlborough, was generally known; and marſhal de Villeroy might have waked from his inactivity, and forced the lines, which were only guarded by an inconſiderable body of militia; and might afterward have advanced with his army through the duchy of Wirtemberg, to the Neckar, which would have rendered the allies incapable of preſerving their communication with the Lower-Neckar for the ſecurity of their proviſions, which were conveyed to Norlingen, from the Rhine and the Mein. And thus would this ſingle motion have limited the ſupply of the proviſions of the allies to Nuremberg, and conſequently they

1704. with a great deal of fury; the French infantry, which were poſted at Blenheim, making at the ſame time a terrible fire from

they could never think it ſafe to be remote from that city.

Marſhal de Villeroy might even have compelled the allies to retire, in part, to the Rhine, and leave the elector of Bavaria to act with freedom in the heart of Germany, if that general had forced the lines of Biel, and then marched his army down the Rhine near Philipſburg. For this motion alone would have obliged the enemy to ſeparate, in order to protect Philipſburg, and the Lower-Neckar. This march might likewiſe have been effected without the leaſt danger, becauſe, when the lines had once been forced, marſhal de Villeroy might have thrown a bridge over the Rhine, in caſe the allies had approached him with all their forces; and, if they had attempted that motion, they would have abandoned Auſtria, and even the city of Vienna, to the elector of Bavaria.

Theſe were the errors committed with reſpect to the general ſtate of the war in Germany: the reſt related to the particular diſpoſition and order of battle, and were as follow:

1. The French and Bavarians incamped their two armies, as if they were to engage ſeparately.

2. They diſpoſed them on the day of battle, in the order of their incampment, and only in the front of the camp.

3. They did not chuſe their field of battle ſo near the rivulet as would have prevented the allies from paſſing it, and not have left them a ſufficient extent of ground to form their troops between the rivulet and the front of the French line.

4. They neglected to advance their right and center upon the allies, when they ſaw they had paſſed the rivulet, and formed themſelves on the front of the French.

5. They had not the precaution to take a ſtrict view of the rivulet, when they arrived at their camp; and were ſo inconſiderate, as not to poſt a body of infantry along the bank for the ſecurity of their camp, and to gain intelligence of the motions of the allies.

6. They were ſo injudicious, as to form their center of battle out of the right and left wings of their two armies, inſtead of providing a formidable center of infantry.

7. They ſhut up the greateſt and beſt part of marſhal de Tallard's infantry in the village of Blenheim, where they were poſted without the leaſt order, and rendered incapable of forming any motion; and they had not even the leaſt precaution to ſecure a communication from one brigade or regiment to another.

8. They did not ſurvey the ground, which extended from their right to the rivulet and the Danube, and they poſted dragoons there inſtead of infantry.

9. When they arrived at their camp, they neglected to detach a body of cavalry, beyond the left of their armies, to obſerve the

from behind ſome hedges on their flank, which were advanced too near that village, ſo that the firſt line was put into ſuch diſorder, that part of them retired beyond the rivulet. 1704.

the ſituation of the camp of the allies, which they were unacquainted with to ſuch a degree, as not to know that prince Eugene had joined the duke of Marlborough with his army; and they imagined, that the prince of Baden was engaged with a conſiderable body of troops at the ſiege of Ingoldſtadt.

10. After the firſt diſorder in their grand center of cavalry, and after they had ſhrunk from their ground, till they formed a confuſed line with the infantry, who were embarraſſed in the village of Blenheim, the elector of Bavaria's army did not cloſe on their right, to form an attack in flank upon the enemy, who had advanced beyond the interval of ground, that extended between the two villages. Had they diſpoſed themſelves into this motion, they might either have ſuſtained or drawn off the French infantry from Blenheim, and have given their cavalry, who had been diſordered by the fire of the enemy's foot, an opportunity of rallying in order of battle. But, inſtead of this obvious motion, that whole army was only attentive on their retreat to Ulm; and they abandoned marſhal de Tallard's infantry, while the cavalry of that general's army never attempted to recover their proper order, or make any effort to diſengage their infantry, when they ſaw the elector's army retreat from the field of battle.

11. When marſhal de Tallard was taken priſoner, and the center of the French army intirely thrown into diſorder, not one of the general officers of the marſhal's army made the leaſt endeavour to draw the infantry from Blenheim, while they had an opportunity of affording them that relief, by marching them along the Danube, till they had rejoined their cavalry; but, on the contrary, thoſe who were charged, in particular, with the command of the body of infantry, either intirely abandoned them, even before they were attacked, when they ſaw the cavalry defeated, and plunging themſelves into the Danube, in hopes of ſwimming to the other ſide; or elſe they continued in the village without daring to leave it, and were even ſo deſtitute of thought, as not to attempt any communication between the battalions. In ſhort, they ſeemed to continue there with no other view than to charge themſelves with the deſpicable province of making a brave ſet of battalions lay down their arms with reluctance, and of ſurrendering to the enemy twenty-ſeven battalions and twelve ſquadrons of the beſt troops of France; which was ſo infamous an action, that it would ſcarce be credited by poſterity, eſpecially when it is informed, that, except one brigadier of foot, who was broke, all the other authors or ſpectators of this contemptible timidity were rewarded and advanced to ſtations of dignity.

1704. vulet. Upon this, the duke gave orders to lieutenant-general Bulaw, commander in chief of the troops of Luſſenburgh, to bring up his own regiment of dragoons, and two of the troops of Zell, which charged the enemy's horſe with ſo much vigour, that they broke them, and drove them beyond the ſecond rivulet, called Meul Weyer, and from thence to the very hedges of the village of Blenheim. This gave time to thoſe, who had given ground, to repaſs the rivulet, and to form a ſecond line behind thoſe regiments of dragoons, and ſome others, that had joined them, ſo that thoſe dragoons remained in the firſt line during the reſt of the action.

The cavalry of the confederates left wing, having by this ſucceſs gained the advantage of forming themſelves intirely in order of battle, advanced leiſurely to the top of the hill, and ſeveral times charged the enemy's horſe, who were always routed, but who, nevertheleſs, rallied every time, though at a conſiderable diſtance, and thereby gave the allies an opportunity of gaining ground. As the duke of Marlborough, who was now in perſon among them, was preparing a freſh attack, marſhal de Tallard cauſed ten of his battalions to advance, to fill up the intervals of his cavalry, in order to make a laſt effort; which, the duke perceiving, cauſed three battalions of the troops of Zell to come up and ſuſtain the Horſe. Then the prince of Heſſe Caſſel, general of the horſe, and the lieutenant-generals Lumley, Bulaw, Hompeſch, and Ingoldſby, returned with their troops to the charge; but the ſuperior fire of the enemy's infantry put their firſt line into ſome diſorder, ſo that it ſhrunk back, and remained, for ſome time, at about ſixty paces diſtant from the enemy, neither party advancing againſt the other. At length, the confederates puſhed forwards with ſo much bravery and ſucceſs, that, having broke and routed the enemy's horſe, the ten battalions, who found themſelves abandoned by them, were cut to pieces, none eſcaping, but a very few ſoldiers, who threw themſelves on the ground, as dead, to ſave their lives.

Marſhal de Tallard rallied his broken cavalry behind ſome tents, which were ſtill ſtanding in his camp; and, ſeeing things in this deſperate condition, reſolved to draw off his dragoons and infantry out of the village of Blenheim. He thereupon ſent one of his aid-de-camps to marſhal de Marſin, who, with the elector of Bavaria, commanded on the left, to deſire him, "to face the enemy

"with

" with ſome troops on the right of the village of Oberklau, 1704.
" to keep them in play, and favour the retreat of the in-
" fantry, that was in Blenheim." But marſhal de Marſin repreſented to the meſſenger, " That he had too much bu-
" ſineſs in the front of the village, where he was poſted,
" and where he had to deal with the duke of Marlborough,
" who was come to the aſſiſtance of prince Eugene, as
" well as in the reſt of the line, to ſpare any troops; ſince
" he was ſo far from being victorious, that all he could do
" was to maintain his ground."

In the mean time, Ingoldſby made the other generals of the ſame attack ſenſible, how eaſily they might intirely defeat the French cavalry, by charging them on the right flank. This advice being put into execution with a great deal of vigour, the enemy were ſoon thrown into diſorder, and put to flight, part of them endeavouring to gain the bridge, which they had over the Danube, between Blenheim and Hochſtet; and the other part, among whom were the Gens d' Armes, were cloſely purſued by the Lunenburgh dragoons, and thoſe, who eſcaped the ſlaughter, threw themſelves into the Danube, where moſt of them were drowned. Thoſe, who fled towards Hochſtet, rallied once more, making a ſhew to ſuccour tht reſt; but the ſame regiment of Bothmar faced them, and kept them in awe for ſome time, till it was joined by ſome other regiments, when the enemy made the beſt of their way to ſave themſelves by flight.

The marſhal de Tallard was ſurrounded by the fugitives, and taken near a mill, behind the village of Sonderen, not far from the Danube, by monſieur de Boinenburg, a lieutenant-colonel of the troops of Heſſe, aid-de-camp to the prince of Heſſe-Caſſel. The marquis de Montperoux, general of horſe; de Seppevile, de Silly, and de la Valiere, major-generals; monſieur de la Meſſiliere, St. Pouange, de Legondais, and ſeveral other officers of note, were likewiſe made priſoners in this defeat.

While theſe things paſſed at the village of Blenheim, and in the center, the duke of Marlborough cauſed the village of Oberklau, which was marſhal de Marſin's quarters, to be attacked by the brigade of Berenſdorff, conſiſting of ten battalions. The prince of Holſtein-Beck, who commanded them as major-general, paſſed the rivulet at the head of two battalions, with undaunted reſolution. But as the imperial cavalry, which was to have ſupported him, were wanting in their duty, and kept muſket-ſhot from him, he was ſcarce

1704. got over, when ſeven or eight of the enemy's battalions fell upon him with great fury, before he could form his two battalions; ſo that one of them, that of Goor, was almoſt intirely cut to pieces, and the prince himſelf deſperately wounded and taken priſoner. But, notwithſtanding this firſt ſhock, theſe battalions were no ſooner ſupported by ſome Daniſh and Hanoverian cavalry, than they charged a ſecond time, but with no better ſucceſs; till, upon the third charge, the duke of Marlborough having himſelf brought up ſome ſquadrons, which were ſupported by others of the body of reſerve, made them advance with ſome battalions beyond the rivulet; upon which the enemy began to retire.

As ſoon as the duke had performed this conſiderable ſervice, he repaired to the center, where, finding the action decided in favour of the confederates, he cauſed part of his victorious cavalry to halt, to obſerve the motions of that part of the enemy, which, by this time, was drawn up beyond the moraſs of Hochſtet. During this halt, the elector of Bavaria, whom prince Eugene could make no impreſſion upon for ſome time, but whoſe bravery at laſt put that elector's troops to the rout, was perceived making his retreat from the village of Lutzingen. Upon which, orders were diſpatched to the baron de Hompeſch (who with ſeveral ſquadrons was purſuing the fugitives towards Morſelingen, and who had already overtaken and forced two of their battalions to lay down their arms) to face about, and march to join thoſe who halted, as well to prevent the elector's falling upon Hompeſch's rear, as to form a body, in order to charge that prince, who marched in great haſte, but in pretty good order, with his ſquadrons on the left, and his battalions on the right. But, before general Hompeſch returned from his chace, the right wing of the confederate army was perceived at ſome diſtance behind the elector; and, appearing to be part of his army marching in ſuch a manner, as might eaſily have flanked them, had the duke immediately charged him, the duke, with great prudence, ſent out a party to view them. During this time, the elector continued marching off with great precipitation, till he reached the moraſs of Morſelingen.

The French horſe being intirely defeated, and the confederates maſters of all the ground, which was between the enemy's left and the village of Blenheim, the twenty-eight battalions and twelve ſquadrons of dragoons, which were in the village, found themſelves cut off from the reſt of their army, and, deſpairing of being able to make their eſcape,

after

after a weak attempt to repulſe the infantry, who ſurrounded them, capitulated about eight in the evening, laid down their arms, delivered their colours and ſtandards, and ſurrendered themſelves priſoners of war, on condition that the officers ſhould not be ſearched. 1704.

This defeat coſt the enemy, by their own accounts in ſeveral intercepted letters, forty thouſand men, in which number they included four or five thouſand loſt in their precipitate retreat to the Black Foreſt, either by deſertion, or the purſuit of the Huſſars or peaſants, who made a great ſlaughter of the ſtragglers. This computation does not ſeem improbable, conſidering the number of priſoners taken, which exceeded thirteen thouſand, of whom above one thouſand two hundred were officers; that ten French battalions on their right were cut in pieces, and above thirty ſquadrons of horſe and dragoons forced into the Danube, moſt of whom were drowned: That their left wing ſuffered very much, eſpecially the foot: That beſides ninety-five officers, who were found at Hochſtet, Dillengen and Lavingen; and that the number of the wounded, whom they brought off from Ulm, were above ſeven thouſand men: The confederates gained above one hundred pieces of cannon, twenty-four mortars, one hundred and twenty-nine colours, one hundred and ſeventy-one ſtandards, ſeventeen pair of kettle-drums, three thouſand ſix hundred tents, thirty-four coaches, three hundred laden mules, two bridges of boats, fifteen pontons, twenty-four barrels, and eight caſks of ſilver. But this ſucceſs coſt them four thouſand four hundred and eighty-five men killed, ſeven thouſand five hundred and twenty-five wounded, and two hundred and ſeventy-three left or made priſoners.

The emperor made great acknwledgments to the duke of Marlborough for this ſignal ſervice, and offered to make him a prince of the empire, which the duke ſaid he could not decently accept of, till he knew the queen's pleaſure; and, upon her conſenting to it, he was created a prince of the empire, and about a year after, Mindleheim was aſſigned him for his principality. The duke of Marlborough made prince of the empire.

The ſucceſs of the battle having entirely changed the face of affairs in the empire, and ſaved the houſe of Auſtria from ruin, the duke of Marlborough, being willing to loſe no time, and judging it more advantageous for the common cauſe to join all the confederate forces together, to ſtraiten the enemy as much as poſſible, and oblige them to abandon Germany, and repaſs the Rhine, ſent an expreſs to prince Brodrick.

1704. Lewis of Baden, to leave the ſiege of Ingoldſtadt, and rejoin the army with the forces under his command; conſidering, that not only that city, but the whole country of Bavaria, muſt fall of courſe into the emperor's hands. The duke's and prince Eugene's opinion was confirmed by the example
Aug. 16. of the city of Augſburg, which the French abandoned, carrying with them four hoſtages, as a ſecurity for two thouſand ſick and wounded men, whom they left in that place. The magiſtrates being aſſembled immediately after, ſent four deputies to the duke of Marlborough to deſire his protection; who anſwered them, that they had nothing to fear from the troops of her Britannic majeſty and the States-General, which were only ſent againſt the enemies of the empire and their allies. And thereupon he ordered a detachment to march, and take poſſeſſion of that important place. Soon after marſhal de Tallard, with the priſoners of diſtinction, were ſent towards Hanau and Francfort under a guard of dragoons, and the other priſoners were ſent into the adjacent places.

On the 21ſt of Auguſt, the duke encamped at Sefellingen, within half a league of Ulm; and the next day the governor of Ulm, who apprehended a ſiege, ſent out of the town four hundred and thirty priſoners, which the enemy had taken at Hochſtet, Dillengen, and other places, with a compliment to the duke, that he would be pleaſed to take an opportunity to return an equal number; and, thoſe perſons being Germans, the duke ſent them to prince Eugene. On the 25th, the duke, prince Eugene, and prince Lewis of Baden had a long conference, wherein they concerted the further operations of the campaign; and it was reſolved, that, ſeeing the enemy were returning towards the Rhine, all the confederate forces ſhould likewiſe march that way, except twenty-three battalions and ſome ſquadrons, which ſhould be left under the command of general Thungen to carry on the ſiege of Ulm. In purſuance whereof, the confederate troops began their march from the neighbourhood of Ulm, on the 26th of Auguſt, by different roads, to the general rendezvous of the army which was appointed to be at Bruſchal near Philipſburgh. From that day the confederate army was in motion till the 9th of September, when a party of imperial horſe, having met ſome ſquadrons of the enemy, commanded by the duke de Monfort, a major-general, who had been conducting four battalions and a ſum of money into Landau, fell upon them with great vigour, and routed them, killing above one hundred upon the ſpot, taking ſeveral priſoners,

priſoners, and mortally wounding their commander. On the 12th, prince Lewis of Baden marched towards Landau, with the troops appointed to beſiege that place; and the duke of Marlborough, with prince Eugene, came to the camp of Croon Weiſſenburgh, in order to cover the ſiege. The ſame night, the duke received an expreſs from general Thungen, importing, that, having formed the ſiege of Ulm, and received his great Artillery, the garriſon beat a parley the 10th, and the next day ſurrendered that place upon honourable terms; which he was willing to grant, that no time might be loſt for the further execution of the projects of this campaign. The imperialiſts found in Ulm two hundred and twenty-two pieces of braſs cannon, twenty-five braſs mortars, one thouſand two hundred barrels of powder, with a conſiderable quantity of proviſions, which was ſeaſonably applied to the carrying on the ſiege of Landau, which prince Lewis of Baden inſiſted on, as neceſſary to ſecure the circles, Suabia in particular, from the excurſions of that garriſon. This was popular in Germany, and, tho' the duke did not approve it, he did not oppoſe it with all the authority, that his great ſucceſs gave him. This was univerſally blamed, for, while France was in the conſternation, which their late great loſs brought them under, a more vigorous proceeding was like to have greater effects; and, beſides that the imperial army was ill-provided, the great charge of a ſiege was above their ſtrength. Prince Lewis ſuffered much in his reputation for this undertaking: It was that, which the French wiſhed for, and therefore it was ſuſpected, that ſome ſecret practice had prevailed on that prince to propoſe it. It is certain, that he was jealous of the glory which the duke of Marlborough had obtained, and in which himſelf had no ſhare; and it was believed, that if he had not gone to beſiege Ingoldſtadt, the battle of Hochſtet had never been fought. He was indeed ſo fierce a bigot in his religion, that he could not bear the ſucceſſes of thoſe whom he called heretics, and the exaltation which he thought herefy might have upon it (1). While the duke of marlborough lay covering the ſiege, marſhal de Villeroy, with

1704. The ſiege of Landau.

(1) Dr. Hare, in his *Second Letter to a Tory-Member concerning the Management of the War*, p. 12. 3d Edit. gives us this account of the duke's own deſigns in this campaign: "Flanders, ſays he, was, at the beginning of the war, a very bad part to attack France in; it was covered with ſo ſtrong a frontier. It was for this

1704. with his army came and looked on him; but as the ſoldiers of the confederates were exalted with their ſucceſs, ſo the French were too much diſpirited with their loſſes to make any attack, or to put any thing to hazard, in order to raiſe the ſiege. They retired back, and went into quarters, and truſted to the bad ſtate of the imperial army, who were ill-provided and ill-ſupplied. The garriſon made as vigorous a defence, and drew out the ſiege to as great a length, as could be expected. Prince Lewis had neither engineers,

" reaſon the duke of Marlborough looked out for another " ſcene of action, and did all " that could be done on his " part towards it; and therefore " when he had in the two firſt " campaigns driven the French " from Nimeguen to Namur, " and had ſet the Dutch at eaſe " by the reduction of Guelder " and Limburg, and cleared the " Rhine by taking Bonne, he " did not the third year content " himſelf with walking up and " down in the neighbourhood " of Holland, where there was " no proſpect of doing any " thing to the purpoſe, but " marched into the heart of " Germany, forced the ſtrong " poſt of Schellenburg before " the end of June, which is the " key of Bavaria; and, had " the ammunition and artillery " been ready, as the duke had " been aſſured it was, he had " marched directly to Munich, " and, without the hazard of " another battle, had in a fort- " night's time not only extin- " guiſhed that fatal war, that " threatned nothing leſs than " the ruin of the whole empire, " but had gained the elector " alſo over to the ſide of the " allies, who, could he have " been perſuaded to make their " intereſt his own, might have " done the greateſt ſervice to " the common cauſe, both in " Germany and Flanders. But " when that point was loſt, and " the inability of the Germans " to make a ſiege, had encou- " raged the elector to break off " the treaty he had entered " into, and the ſword had de- " cided the fate of his country, " what part did the duke of " Marlborough take next? Not " that of returning to Flanders. " No, he improved the reſt of " that wonderful campaign to " facilitate the operations of the " next, in a part where France " might be more eaſily attack- " ed. He paſſed the Rhine " before the end of Auguſt, " and made, or rather ſubmitted " to the making the ſiege of " Landau by prince Lewis, " while he covered it: And, " that the unexpected length of " the ſiege might not break his " deſign, without waiting for " the end of it, he advanced " with a body of troops to the " Saar, ſurprized Treves, and " poſſeſſed himſelf of other pro- " per poſts for erecting maga- " zines, and opening the next " campaign with the ſiege of " Saar Lewis."

gineers, nor ammunition, and wanted money to provide them; ſo that, if the duke had not ſupplied him, he muſt have been forced to give it over. The king of the Romans came again, to have the honour of taking the place: But his behaviour there did not ſerve to raiſe his character; for he was not often in the places of danger, and was content to look on at a great and ſafe diſtance. He was likewiſe conſtantly beſet with prieſts, and ſuch a face of ſuperſtition and bigotry appeared about him, that it very much damped the hopes that were given of him. However, on the 23d of November, the beſiegers having lodged themſelves on the counterſcarps both on the right and left, and ſufficient breaches being opened, the next morning the neceſſary diſpoſitions were made for a general aſſault, and five thouſand men were commanded upon that ſervice. The beſieged, being therefore reduced to this extremity, were obliged to beat a parley between ten and eleven o'clock, whereupon hoſtages were exchanged, and the capitulation ſigned the ſame day, conſiſting of twenty-eight articles, which were in effect much the ſame as thoſe granted by the Imperialiſts to monſieur de Melac two years before, and by the French to the count de Frize the preceding campaign. On the 26th, the beſieged marched out of Landau to the number of three thouſand four hundred, who ſurvived out of ſeven thouſand men, of whom the garriſon conſiſted at the beginning of the ſiege. The king of the Romans, having entered the place, found it reduced to a heap of rubbiſh, and having given the command of it to the count de Frize, who had before maintained that poſt with great courage and ability, his majeſty ſet out for Vienna, having ordered prince Eugene to ſettle the affairs of Bavaria, and left to prince Lewis of Baden the diſpoſition of the forces on the Rhine. 1704. Landau ſurrenders

The confederates, omitting nothing that might advance the glory, which they had already acquired in Bavaria, reſolved to proſecute the ſiege of Traerbach. To which end, the duke of Marlborough marched towards the Moſelle with a conſiderable army, which he left under the command of the hereditary prince of Heſſe-Caſſel, as alſo the direction of the attacks of that place. The caſtle was inveſted in the beginning of November, and the approaches were carried with ſuch ſucceſs, that, on the 21ſt, the beſiegers attempted to ſtorm it. But as they were climbing up the eminences (the rock, on which that fortreſs is built, proving very ſteep, and the weather exceedingly ſtormy) the garriſon made ſo vigorous a defence, that the aſſailants were Traerbach beſieged, and ſurrendered.

obliged

1704. obliged to retire with conſiderable loſs. Notwithſtanding theſe diſcouragements, the prince of Heſſe was reſolved to carry on the ſiege with the utmoſt vigour; and, on the 20th of December, obliged the garriſon to ſurrender on honourable conditions. The confederates met with a great deal of difficulty and oppoſition in all the attacks; and the baron de Trogne, the States chief engineer, was ſhot by the prince of Heſſe's ſide, as he was giving the neceſſary directions; and they had above a thouſand men killed or wounded.

The Duke of Marlborough goes to Berlin, Hanover, &c. Brodrick, Burnet.

During the ſiege of Traerbach, the duke of Marlborough went to the court of Pruſſia, to negotiate that eight thouſand Pruſſians might be ſent to Italy the next campaign, to ſerve there for the relief of the duke of Savoy, under the command of prince Eugene. He was received at Berlin, and all other places, through which he paſſed, with the higheſt reſpect; and thence he proceeded to the court of Hanover, where he arrived on the 1ſt of December, and thence continued his journey to the Hague, where he was congratulated by the deputies of the States-General, upon his victories at Schellenberg and Hochſtet; and was as much conſidered and ſubmitted to in Holland, as if he had been their ſtadtholder. The credit, which he was in among them, was very happy for them, and was, indeed, neceſſary at that time for keeping down their factions and animoſities, which were riſing in every province, and in moſt of their towns. Only Amſterdam, as it was the moſt ſenſible of the common danger, ſo it was not only quiet within itſelf, but it contributed not a little to keep all the reſt ſo, which was chiefly maintained by the duke of Marlborough's prudent management; who, having ſettled all matters relating to the enſuing campaign, embarked for England, and arrived at London the 11th of December.

and arrives in England, Dec. 11.

Proceedings in the Netherlands. Brodrick.

The occurrences in Brabant and Flanders this campaign were of no conſiderable importance. As the great bodies were in ſuch violent motion in Bavaria which was the theatre of the war, little, beſides the protection of the country on each ſide, was intended here. However, on the 1ſt of June, monſieur Auverquerque decamped from the neighbourhood of Maeſtricht, and marched directly towards the enemy, who being ſurprized at this motion, and unwilling to hazard a battle, after they were prevented in their deſign upon Tongeren, marched about and got into their lines. General Dopff, perceiving them to be in ſome diſorder, advanced with thirty ſquadrons of horſe and dragoons, and forced the French lines with little oppoſition. But, a council

council of war being called, it was thought not adviſeable for him to continue in that poſt, leſt the enemy ſhould fall upon his detachment with a ſuperior force, before the reſt of the army could come up; ſo that he had not continued there above three hours, before he quitted the lines, and rejoined the army. On the firſt of July, the baron de Trogne was detached with a conſiderable body of men, who marched towards Liege, and monſieur Auverquerque followed him. On the 5th, the baron being reinforced from Liege and Huy, he advanced to the enemies lines, which he entered at eight in the morning, and took poſt at Meordorp. Monſieur Auverquerque endeavoured to ſuſtain him; but this enterprize had no better ſucceſs than the former; for, the rivers Herk and Demer overflowing, and retarding the march of the army, it was judged impoſſible to come up ſoon enough to ſupport him; upon which he retired out of the lines the ſame evening. 1704.

Upon the 2d of July, a body of nine thouſand Dutch troops, commanded by general Spaar, appeared before Bruges, and were warmly received by the cannon of the town. In the evening they raiſed batteries, and the next morning began to throw bombs, carcaſes and red-hot bullets into the place, which did great execution, ſeveral houſes being entirely demoliſhed, and others very much ſhattered. Whereupon the inhabitants, to prevent farther miſchief, offered to pay ſix hundered thouſand guilders in ſix months time, which the baron accepted, and ſo retired to Maldeghem. On the 22d, the army, under monſieur Auverquerque, paſſed the Maeſe, and advanced to Namur, which they bombarded from the 26th to the 29th, ſetting on fire their magazines, and doing very great damage to the inhabitants. The loſs ſuſtained by the Dutch was very inconſiderable, though the garriſon fired furiouſly all the time from their cannon and mortars. During theſe hoſtilities, a detachment of horſe and foot was ſent up to Dinant, where they took poſt, and part of them paſſed over from thence into the country between the Sambre and Maeſe, which ſtruck ſuch a terror into the neighbouring country, that they exacted from thence great contributions. About the ſame time, the Dutch forces made themſelves maſters of fort Iſabella, and demoliſhed it. Bruges bombarded by Baron Spaar.

The elector of Bavaria, who had retired to Bruſſels after his misfortunes, formed, at the end of the campaign, a project of ſurprizing general Auverquerque, hoping by that means, in ſome meaſure, to repair the diſadvantages, which he

1704. he had ſuſtained in Bavaria. For this purpoſe he ordered all his forces, with a great number of waggons, to join at Tirlemont. The French court, being apprehenſive of the elector's deſigns, ſent marſhal de Villeroy to watch his motions, and to prevent an engagement, unleſs he had a very fair proſpect of a return of better fortune. At his arrival in the army, he was ſurprized to ſee monſieur Auverquerque waiting in his camp at Borch-loen, ready to receive them. This obliged him to repreſent to the elector the difficulties of attacking the confederates; the advantage of their camp; the bravery of their troops, encouraged by the ſucceſs of their affairs in Germany; and the ill conſequences, which the loſs of a battle would be attended with. The elector, who was oppreſſed with diſgraces, was determined on nothing but revenge, and inſiſted upon an engagement. The marſhal, after a very warm debate with him on that ſubject, told him, that he would not march; and, to put an end to the diſpute, produced the king's order. The elector, being thus fruſtrated in his deſigns, returned to Bruſſels, his former ſeat of pleaſure and gallantry.

The elector of Bavaria prevented by the French from attacking M. Auverquerque.

At ſea, this ſummer, affairs were carried on much more doubtfully than at land. Sir George Rooke ſailed into the Streights, where he reckoned he was ſtrong enough for the Toulon ſquadron, which was then abroad in the Mediterranean. Soon after that a ſtrong ſquadron from Breſt paſſed by Liſbon into the Streights. Mr. Methuen, the engliſh ambaſſador in Portugal, apprehending, that, if theſe two ſquadrons ſhould join to attack ſir George Rooke, it would not be poſſible for him to fight againſt ſo great a force, ſent a man of war, which that admiral had left at Liſbon, with ſome particular orders, which made the captain very unwilling to carry the meſſage; but the ambaſſador promiſed to indemnify him. The captain ſailed through the French fleet, and brought this important advertiſement to ſir George Rooke, who told him, that on this occaſion he would paſs by his not obſerving his orders, but that, for the future, he would find the ſafeſt courſe was to obey orders. Upon this ſir George ſtood out of the way of the French towards the mouth of the Streights, and there met ſir Cloudeſly Shovel with a ſquadron of our beſt ſhips, with which being reinforced, he ſailed up the Streights again, being now in a condition to engage the French. He came before Barcelona, where the prince of Heſſe-Darmſtadt aſſured him, there was a ſtrong party ready to declare for king Charles, as it was certain there was a diſpoſition in many to do it. But ſir George

Affairs at ſea.

Burnet.

George would not ſtay above three days before that city; ſo that the motions within the town, and the diſcoveries which many made of their inclinations, had almoſt proved fatal to them. He anſwered, when preſſed to ſtay a few days more, that his orders were poſitive; and that he muſt ſail towards Nice, which it was believed the French intended to beſiege. But, as he was ſailing that way, he received advice, that the French had made no advances in that deſign; and therefore he turned his courſe weſtward, and came in ſight of the French fleet, ſailing from Breſt to Toulon. The advantage, which he had, was ſo viſible, that it was expected, he would have made towards the enemy, but he did not. What orders he had was not known, for the matter never came under examination. The French got to Toulon, and he ſteered another way. The whole French fleet was then together in that harbour, for though the Toulon ſquadron had been out before, it was then in port. A very happy accident had preſerved a rich fleet of merchant ſhips from Scanderoon under the convoy of three or four frigates, from falling into their hands. The French fleet lay in their way in the bay of Tunis; and nothing could have ſaved them from being taken, but that, which happened in the critical minute, in which they needed it. A thick fog covered them all the while that they were ſailing by that bay, ſo that they had no apprehenſion of the danger they were in, till they had paſſed it. 1704.

Sir George Rooke, as he ſailed back, fell in upon Gibraltar, which, in a council of war held, July 17, about ſeven leagues to the eaſtward of Tetuan, it was reſolved to attack. Four days after, the fleet got into the bay, and one thouſand eight hundered marines, Engliſh and Dutch, with the prince of Heſſe Darmſtadt at their head, were put on ſhore, on the neck of land to the northward of the town, to cut off any communication with the country. The prince having this poſted his men, ſent a ſummons to the governor to ſurrender the place for the ſervice of his catholic majeſty; which he refuſing, the admiral, the next day, gave orders that the ſhips which had been appointed to cannonade the town under the command of rear-admiral Byng, and rear-admiral Vanderduſſon, as alſo thoſe which were to batter the South-mole-head, commanded by captain Hicks in the Yarmouth, ſhould range themſelves accordingly. But the wind blowing contrary, they could not poſſibly get into their places till the day was ſpent. In the mean time, to amuſe

Gibraltar taken. Hiſt. of Europe.

1704. amuſe the enemy, captain Whitaker was ſent in with ſome boats who burnt a french privateer of twelve guns, at the Old Mole. On the 23d, ſoon after break of day, the ſhips being all placed, the admiral gave the ſignal for beginning the cannonade, which was performed with very great fury, about fifteen thouſand ſhot being made in five or ſix hours time againſt the town, ſo that the enemy were ſoon driven from their guns, eſpecially at the South-mole-head. Whereupon, the admiral conſidering, that by gaining that fortification they ſhould of conſequence reduce the town, ordered captain Whitaker, with all the boats armed, to endeavour to poſſeſs himſelf of it; which was performed with great expedition. But captain Hickes and captain Jumper, who lay next the Mole, had puſhed on ſhore with their pinnaces and ſome other boats, before the reſt could come up. Whereupon the enemy ſprung a mine, which blew up the fortification about the Mole, killed two lieutenants, and about forty men, and wounded about ſixty. However, our men kept poſſeſſion of the great platform, of which they had made themſelves maſters; and, captain Whitaker landing with the reſt of the ſeamen, who had been ordered upon this ſervice, they advanced, and took a redoubt or ſmall baſtion, half way between the mole and the town and poſſeſſed themſelves of many of the enemy's cannon; upon which the governor deſired to capitulate, and ſurrendered upon honourable terms. This fact is related by an eminent hiſtorian, with theſe circumſtances, that, after the admiral had bombarded the town to very little purpoſe, and with little hopes of ſucceſs, ſome bold men ventured to go aſhore in a place, where it was not thought poſſible to climb up the rocks; and yet they ſucceeded in it; and, when they had got up, they ſaw that all the women of the town were come out, according to their ſuperſtition, to a chapel there, to implore the virgin's protection. They ſeized on them, and that contributed not a little to diſpoſe thoſe in the town to ſurrender, which they did on the 24th, and they had leave to ſtay or go as they pleaſed; and, in caſe they ſtaid, they were aſſured of protection in their religion and every thing elſe, for the prince of Heſſe, who was to be their governor, was a papiſt. But they all went away with the ſmall garriſon, that had defended the place. The prince of Heſſe, with the marines, who were on board the fleet, poſſeſſed himſelf of the place; and they were furniſhed out of the ſtores, that went with the fleet, with every thing, that was neceſſary for their ſubſiſtence or defence; and a regular

Burnet.

method

method was laid down of ſupplying them conſtantly from Liſbon. 1704.

Sir George Rooke, after he had ſupplied Gibraltar, ſailed again into the Mediterranean, and, in conjunction with the Dutch fleet under vice-admiral Callemburgh, met off Malaga the count de Thouloufe with the whole French fleet, which was much ſuperior to the Engliſh in number, and had many gallies with them, that were of great uſe. Sir George Rooke called a council of war, in which it was reſolved to engage the enemy; but there was not due care taken to furniſh all the ſhips with a ſufficient quantity of powder, for ſome had waſted a great part of their ſtock of ammunition before Gibraltar; however they had generally twenty-five rounds, and it had ſeldom happened, that ſo much powder was ſpent in an action at ſea. On the 13th of Auguſt, as the two fleets engaged, ſir Cloudeſly Shovel advanced with his ſquadron to a cloſe fight, for it was the maxim of our ſeamen to fight as near as they could; and he had the advantage, and the enemy's van gave way in no little confuſion, as did their rear ſoon after, being no leſs vigorouſly attacked by the Dutch. But the enemies being very ſtrong in the center, and ſome of the Engliſh ſhips being obliged to go out of the line for want of ſhot, (occaſioned by the great expence of it at Gibraltar) ſeveral of ſir George Rooke's own ſquadron ſuffered very much. About ſeven in the evening, one of the French admiral's ſeconds advanced out of the line, and began a cloſe fight with the St. George, commanded by ſir John Jennings, but, notwithſtanding the St. George had already ſuffer'd much, ſhe met with ſuch rough treatment, that ſhe had difficulty enough to rejoin the line, after the loſs of both her captains and many of her men. The engagement continued till night parted them, and, if the French had come to a new engagement next day, it might have been fatal, ſince many of our ſhips were without ſhot, whilſt others had enough and to ſpare. In this long and hot action there was no ſhip on either ſide, that was taken, ſunk, or burnt. The Engliſh made a ſhew the next day of preparing for a ſecond engagement, but the enemy bore off, to the great joy of our fleet. The French ſuffered much in the action, and went into Toulon ſo diſabled, that they could not be put in a condition to go to ſea again in many months. They left the ſea, as the field of battle, to the Engliſh; ſo that the honour of the action remained with us, though the nation was not greatly elated with the news of a drawn battle at ſea with the French:

The engagement off Malaga. Burnet.

1704. French: It was long before a certain account of the action was brought to England; but the modeſty, with which the French king wrote of it to the archbiſhop of Paris, put us out of all fears; for, whereas the French ſtile was very boaſting of their ſucceſſes, in this caſe it was only ſaid, that the action was to his advantage. From that cold expreſſion the Engliſh concluded, that the victory was on their ſide. When the full account was ſent home from our fleet, the partialities on both ſides appeared very ſignally. The tories magnified this as a great victory; but perſons ſkilled in naval affairs, differed much in their ſentiments, about ſir George Rooke's conduct in that action, ſome not only juſtifying, but extolling it as much as others condemned it (a).

Sir

(a) Sir Cloudeſley Shovel's letter on this occaſion was as follows.

" This brings news of my " health, and that we are on " our way homeward: That " which ſends us home ſo ſoon, " is a very ſharp engagement " we have had with the " French: Our number of " ſhips that fought in the line " of battle were pretty equal: " I think they were forty-nine, " and we fifty three; but ſir " George Rooke reſerved ſome " of the fifty-gun ſhips, to ob- " ſerve if they attempted any " thing with their gallies, of " which they had twenty-four. " Their ſhips did exceed in " bigneſs. I judge they had " ſeventeen three-deck ſhips, " and we had but ſeven. The " battle began on ſunday the " 13th inſtant, ſoon after ten " in the morning, and in the " center and rear of the fleet it " continued till night parted: " but in the van of the fleet, " where I commanded, and " led by ſir John Leake, we " having the weather gage, " gave me an oppoſtunity of " coming as near as I pleaſed, " which was within piſtol ſhot, " before I fired a gun, thro' " which means, and God's aſ- " ſiſtance, the enemy declined " us, and were upon the run " in leſs than four hours, by " which time we had little " wind, and their gallies towed " off their lame ſhips and o- " thers as they pleaſed; for the " admiral of the white and " blue, with whom we fought, " had ſeven gallies tending up- " on him. As ſoon as the " enemy got out of the reach " of our guns, and the battle " continuing pretty hot aſtern, " and ſome of our ſhips in the " admiral's ſquadron towing " out of the line, which, I un- " derſtood afterwards, was for " want of ſhot, I ordered all " the ſhips of my diviſion to " ſlack all their ſails, to cloſe " the line in the center; " this working had that good " effect, that ſeveral of the e- " nemies ſhips a-ſtern which " had kept their line, having " their top-ſails and fore-ſails " ſet,

Sir George Rooke after the engagement, failed to Gibraltar, where he ſtayed eight days to refit; and, having ſupplied that place with men and proviſions, ſailed from thence, and returned home with the great ſhips, leaving behind him eighteen men of war, under the command of ſir John Leake, both for the defence of the coaſt of Portugal, and to be in readineſs to ſuccour Gibraltar, if there ſhould be occaſion. 1704. Sept 4. N. S.

The ſucceſs of affairs in Portugal this year was by no means anſwerable to the expectation of the allies. Affairs of Portugal.

After ſeveral councils of war held in the preſence of their Catholic and and Portugueſe majeſties, which paſſed not without ſome diſputes between duke Schomberg and the Portugueſe generals and miniſters; the auxiliary forces of Eng- Burnet. Hiſt. of Europe Lamberti.

" ſet, ſhot up a-breaſt of us, as " the rear-admiral of the white " and blue, and ſome of his " diviſion; and the vice-admiral of the white and ſome " of his diviſion; but they " were ſo warmly received be- " fore they got a broad ſide, " that with their boats a-head, " and their ſprit-ſails ſet, they " towed from us without giving " us the opportunity of firing " at them.

" The ſhips, that ſuffered " moſt in my diviſion, were the " Lenox, Warſpight, Tilbury, " and Swift-ſure; the reſt e- " ſcaped pretty well, and I the " beſt of all; though I never " took greater pains in all my " life to be ſoundly beaten; " for I ſet all my ſails, and " rowed with three boats a- " head, to get a long-ſide with " the admiral of the white and " blue; but he out-ſailing me, " ſhunned fighting, and lay a- " long-ſide of the little ſhips: " notwithſtanding, the engage- " ment was very ſharp, and, I " think, the like between two " fleets never has been in any " time. There is hardly a " ſhip, that muſt not ſhift one " maſt, and ſome muſt ſhift " all; a great many have ſuf- " fered much, but none more " than ſir George Rooke and " captain Jennings in the St. " George. God ſend us well " home: I believe we have " not three ſpare top-maſts, nor " three fiſhes in the fleet, and I " judge there are ten jury- " maſts now up. After the " fight, we lay two days in " ſight of the enemy, prepar- " ing for a ſecond engagement, " but the enemy declined and " ſtood from us in the night."

Another writer expreſſes himſelf thus: " The ſea-fight, " though very bloody, was far " from being deciſive, not a " ſhip being loſt on either ſide. " 'Tis certain the enemy were " ſuperior to us, both in weight " and number; and, however " many among us blamed the " conduct of the admiral, he " came off, when all things " are impartially conſidered, " much better than could have " been expected. Both ſides " claimed

1704. England and Holland began to land, the 16th of March, N. S. duke Schomberg had warmly inſiſted, that theſe auxiliaries might keep in a body; urging the inconveniences, that might attend their ſeparation. But the king of Portugal being unwilling to truſt the defence of the frontier towns to his raw and undiſciplined troops, and there happening ſome coldneſs between the Engliſh general and monſieur Fagel, who commanded the Dutch forces, at their very firſt interview, the Engliſh infantry had their quarters aſſigned

" claimed a victory, which in " truth neither of them had; " both pretending to ſeek out " the other, and to come to a ſe- " cond engagement, for which " neither of them cared; and " the want of ſufficient am- " munition, on our ſide, ar- " gued a weakneſs, to ſay no " worſe, and ought not eaſily " to be pardoned." In a letter from an officer on board the fleet in this engagement, are theſe words: " All the while " we were daring the enemy, " we went on the careen by " turns, to ſtop our ſhot holes; " ſo that had they engaged a " ſecond time, we muſt have " engaged them board and " board, and either have car- " ried them, or ſunk by their " ſides. In a word, we were " obliged to leave them, leſt " they ſhould ſuſpect our " weakneſs, and force us to " be deſperate."

During the action, were killed and wounded of the Engliſh two thouſand three hundred and fifty-eight; of the Dutch four hundred; ſir Andrew Leake, captain of the Grafton, captain Cow of the Ranelaugh, lieutenant Jennings of the St. George, the third lieutenant of the Shrewſbury, and the firſt lieutenant of the Lenox, were all the officers of their rank that were killed; captain Myngs, captain Baker, captain Kirton, captain Jumper, captain Myghels, lieutenant Ediſbury, and lieutenant Leſtock, were wounded, as were two lieutenants of the Barfleur, and the chaplain, ſeven or eight lieutenants more, three maſters, and about as many boatſwains and carpenters.

On the French ſide were killed the baily of Lorrain, commodore of a ſquadron, and the count de Thouloufe's ſecond; five captains, of which three were knights, a commiſſary of marines, ſix lieutenants, and five ſea enſigns. Among the latter, the marſhal de Chateauregnault's ſon, and the ſieur de Bollem Villers, the count de Thouloufe's gentleman; the count himſelf was wounded in the forehead, ſhoulder, and thigh; the count de Relingnes had his leg ſhot off; the marquiſs de Herhault, intendant of the fleet; monſieur du Caſſe, commodore of a ſquadron; monſieur de Chateauregnault; the count de Philepaux, the count de Cominges, monſieur de Valincourt, the count de Thouloufe's ſecretary, ſeven captains, eight lieutenants, and about one hundred and fifty o-

ſigned in Olivenza, Elvas, Portalegre, and other places in the province of Altejo; and the Dutch were ſent up the Tagus towards Abrantes. The king of Portugal, by his treaties with England and Holland, had engaged to furniſh horſes to mount the cavalry and dragoons of theſe two nations; but, whilſt the king of Spain, Charles, was detained in Holland and England by contrary winds, the French ambaſſador in Portugal, with great induſtry, had bought up the beſt horſes of that kingdom; ſo that, moſt of the horſes, which his Portugueſe majeſty's officers afterwards provided for the Engliſh and Dutch auxiliaries, being neither of a ſize nor ſtrength fit for ſervice, ſcarce one-third part of the troopers and dragoons were mounted this campaign. Neither was there better proviſion made for ſick ſoldiers, who, after ſo tedious a paſſage, could not but be very numerous, and of whom many died for want of attendance and neceſſaries. Another cauſe of the ill ſucceſs of the campaign was, that, though the king of Portugal himſelf expreſſed the beſt intentions poſſible, he was much governed by his miniſters, who were all in the French intereſts. They had an army, but they had made no preparations for taking the field; nor could they bring their troops together, for want of proviſions and carriages. The forms of their government made them very ſlow, and not eaſily acceſſible. They were too proud to confeſs that they wanted any thing, when they had nothing; and too indolent to exert themſelves in order to execute what was in their power to do; and the king's ill health furniſhed them with an excuſe for every thing, that was defective and out of order. The prieſts, both in Spain and Portugal, were ſo univerſally in the French intereſt, that even the houſe of Auſtria, which had been formerly ſo much in their favour, was now in diſgrace with them. Their alliance with heretics, and bringing over an army of them to maintain their pretenſions, had made all their former ſervices be forgotten. The governing body at Rome did certainly engage all their zealots every where to ſupport that intereſt, which was ſo determined on the deſtruction of hereſy. The Engliſh and Dutch generals were likewiſe upon ill terms with the Portugueſe. Duke Schomberg, by his title of captain general of the queen of Great-Britain's forces in Portugal, ought certainly to have commanded, at leaſt, all the Engliſh and Dutch auxiliaries: And it had been no bad policy in the king of Portugal to have made him likewiſe commander in chief of all his forces; a poſt which the duke's father had formerly executed in that kingdom with ſuch ſucceſs, that he 1704.

1704. reſcued the crown of Portugal from the Spaniards; and fixed it in the family that wear it at preſent. But though few, if any, of the Portugueſe officers had the neceſſary qualifications to be made generals; yet the king of Portugal would not break the eſtabliſhed rule of that kingdom, whereby the governors of provinces command in chief all the troops within their diſtricts. He had, indeed, made duke Schomberg velt-marſhal, general of the Portugueſe forces; but then his conferring the ſame dignity upon monſieur Fagel, general of the Dutch forces, rather leſſened than honoured the duke, and made Fagel unwilling to obey one, to whoſe level the king of Portugal had raiſed him; ſo that there was little concurrence of councils and deſigns between theſe two generals. To all this may be added, that a French lady, married to the duke of Cadaval, the principal perſon in the court of Portugal, was not a little inſtrumental in retarding the preparations for the campaign.

Upon information that the auxiliaries, which the king of France had ſent to his grandſon Philip V. conſiſted, for the moſt part, of Iriſh ſoldiers; duke Schomberg, purſuant to the queen's warrant, publiſhed a proclamation, promiſing "her gracious pardon to all ſuch of her ſubjects, who, being now in the ſervice of her enemies, would quit the ſame, to come over to Charles III. king of Spain, or any other of her majeſty's allies; and that ſuch of them as were qualified to ſerve in her majeſty's forces, ſhould be received and entertained in the ſame quality, as they enjoyed in the ſervice they left: and that ſuch as, by reaſon of their religion, could not ſerve in her majeſty's forces, ſhould be employed in the ſervice of the king of Spain, or of ſuch other of her majeſty's allies, where they ſhould beſt like." Charles III. and the king of Portugal, publiſhed likewiſe their reſpective manifeſtos; the firſt ſetting forth his title to the crown of Spain, and promiſing "his pardon to all ſuch of his ſubjects as ſhould declare for him within three months time." The other "juſtifying his Portugueſe majeſty's taking up arms to reſtore the liberty of the Spaniſh nation, oppreſſed by the power of France, and to aſſert the right of his catholic majeſty, Charles III. to that monarchy." Their majeſties had intended to be in a readineſs to enter Spain by the middle of May, but it was the beginning of June before they reached Santarem, where they continued the reſt of the ſpring-campaign.

Apr. 25, N. S.

Apr. 30, N. S.

The poſſeſſor of the crown of Spain, ſtiled by the allies duke of Anjou, though the laſt in proclaiming war, was

yet

yet the firſt in maintaining his title by the ſword; and, having invaded Portugal before his enemies were in a condition to oppoſe him, the duke of Berwick, his general, (who began to ſhine there, though he had paſſed elſewhere for a man of no very great character) took the town of Sogura by a ſtratagem, and ſo intimidated the governor of Salva-terra, that he delivered up the place without making any defence, and conſented, that himſelf and his garriſon ſhould remain priſoners of war. From Salva-terra the Spaniards advanced farther into the country, and without any reſiſtance made themſelves maſters of Cebreros. Pera-garcia ſtood ſome diſcharges of cannon, and then ſurrendered to count d'Aguilar. The inhabitants of Zebredo abandoned the place at the approach of the Spaniſh troops; and the town of Ihana la Viella, rejecting the ſummons of Don Joſeph Salazar and the marquis de Puyſegur, was ſtormed and carried ſword in hand. About the ſame time, the marquis de Jeoffreville, having entered Portugal on the ſide of Almeida, put ſeveral villages under military execution; and prince Tſercloes de Tilly, having advanced to Aonches, raiſed great contributions round about, whilſt the marquis de Villadarias penetrated into Portugal another way. Theſe uninterrupted ſucceſſes of the Spaniards caſt the Portugueſe into great conſternation; and general Fagel, who was poſted at Caſtel-branco with four Dutch battalions, not thinking himſelf ſafe in that place, retired towards Abrantes with two battalions. The other two he poſted at Sovreira Formoſa, where they were ſoon after attacked by the duke of Berwick, and, after a brave defence, moſt of them taken priſoners, with major-general Welderen. After this ſucceſs, the duke of Berwick paſſed the Tagus, joined another body of Spaniards, commanded by prince Tſercloes de Tilly, and king Philip, being arrived in the army, inveſted Portalegre, the inhabitants of which forced the garriſon to ſurrender at diſcretion; and amongſt them an Engliſh regiment of foot commanded by colonel Stanhope. From thence king Philip brought his victorious army before Caſtel-davide, which, though almoſt an open town, yet refuſed to open her gates, the garriſon being encouraged to defend themſelves by the reſolution of the Engliſh regiment of lieutenant-general Stuart, commanded by lieutenant-colonel Huſſey. By this time king Charles and the king of Portugal being come to Santerem, it was reſolved, that the marquis das Minas, governor and general of the arms of the province of Beira, ſhould make an irruption into Spain, and by that diverſion endeavour to

1704. May 8.

1704. draw king Philip's forces from before Caſtel-davide. The marquis having gathered a body of about fifteen thouſand June 2, N. S. men, marched accordingly towards the Tagus; took by ſtorm a Spaniſh place in Caſtile, called Fuente Grimaldo; defeated a body of French and Spaniards, commanded by Don Ronquillo; and made himſelf maſter of Manſeinto. But though king Philip ſent the duke of Berwick with a ſtrong detachment to obſerve the Portugueſe, and it was from thence conjectured, that he would give over the attack of Caſtel-davide; yet the duke of Berwick, finding that the marquis das Minas did not move forwards, returned ſoon after before Caſtel-davide. Hereupon colonel Huſſey propoſed to the Portugueſe to retire into the caſtle, and defend it to the laſt extremity; but the militia opened the gates to the Spaniards, and ſo the whole garriſon were made priſoners of war. The weather being, by this time, exceedingly hot, king Philip ſent his wearied troops into quarters of refreſhment; and, not thinking it poſſible to preſerve all his conqueſts, ordered his men to abandon them, except Maroan and Salva-terra, and to raze the walls of Portalegre, Caſtel-davide, and ſome other towns. About the ſame time the remainder of the Engliſh forces marched from Alentejo into the province of Beira, and the Portugueſe and Dutch into quarters of refreſhment about Pena Major.

Thus affairs went on very unſucceſsfully in Portugal, ſo that it was thought, if the duke of Berwick had followed his advantages, nothing could have hindered his marching to Liſbon. The enemies ſucceſs gave no ſmall uneaſineſs in England, and duke Schomberg, finding his advice had not that weight it deſerved with the Portugueſe, was deſirous to quit a loſing game. Upon which, the queen reſolved to beſtow the command of her forces in Portugal on the earl of Galway; who having accepted of it, more in ſubmiſſion to the queen's command, than out of any great proſpect or hope of ſucceſs, repreſented the neceſſity of augmenting the forces and the train of artillery. All his demands were readily complied with, and four thouſand men ordered to be ſent to Portugal from England and Ireland, the States-general having agreed to ſend thither a proportionable number of their forces. The earl having embarked at Portſmouth on-board the Tartar man of war, with ſeveral French engineers and volunteers, in eight days ſailing ſafely arrived at Liſbon, where duke Schomberg reſigned to him the command of the Engliſh forces. About a month after, July 30. the earl, having reviewed the Portugueſe and auxiliary forces, marched

marched them over the little river Coa, and incamped near Almeida. On the 20th of September, the two kings of Spain and Portugal came to the army with design to invade Castile; but, when they reached the river Agueda, which they intended to pass near Castel-Rodrigo, they found the opposite banks so well guarded by the Spaniards, commanded by the duke of Berwick, that they did not think it advisable to hazard the loss of their whole army; and so, retiring farther into the territories of Portugal, they sent their troops into winter-quarters. On the other hand, the Spaniards were so weakened by the detachments sent under the command of the marquis de Villadarias, to attempt the retaking of Gibraltar, that they were contented to defend their own country, and had no thoughts of invading Portugal; so that things were quiet on those frontiers all the remaining part of the year. 1704. Oct. 9, N. S.

The Spaniards had drawn all the forces they had in Andaluſia and Eſtremadura together, to retake Gibraltar; and the marquis de Villadarias had with him some French troops, with some engineers of that nation, who were chiefly relied on, and were sent from France to carry on the siege. This gave some disgust to the Spaniards, who were so absurd in their pride, that, though they could do nothing for themselves, and indeed knew not how to set about it, yet could not bear to be taught by others, or to see themselves outdone by them. The siege was continued for four months, during which time the prince of Hesse had many occasions given him to distinguish himself very eminently, both as to his courage, conduct, and indefatigable application. Convoys came frequently from Lisbon with supplies of men and provisions, which the French were not able to hinder or intercept. Monsieur de Pointis at last came with a squadron of twenty French ships, and lay long in the Bay, trying what could be done by sea, while the place was pressed by land. Upon that, a much stronger squadron was sent from Lisbon under the command of Sir John Leake and rear-admiral Vander-Dussen, to relieve the place, and raise the siege, who arrived in the Bay of Gibraltar on the 9th of October. In the mean while, marshal de Tesse, who was sent by the court of France, which was dissatisfied with the conduct of the marquis de Villadarias, had no better success at land than that general; so that the enemy was at last obliged to raise the siege. The siege of Gibraltar. Burnet. The siege is raised March

In Italy the duke of Savoy had a melancholy campaign, losing place after place; but he supported his affairs with great Affairs of Italy,

1704. great conduct, and ſhewed a firmneſs in his misfortunes, beyond what could have been imagined. Vercelli and Ivrea gave the duke of Vendoſme the trouble of a tedious ſiege: they defended themſelves againſt him as long as poſſible. The duke of Savoy's army was not ſtrong enough to raiſe theſe ſieges; ſo that both places fell at laſt into the enemy's hands. The French had not troops both to carry on the war, and to leave garriſons in thoſe places; for which reaſon they demoliſhed the fortifications. After they had ſucceeded ſo far, they ſat down before Verue in the end of October. The duke of Savoy poſted his army at Creſcentino, over-againſt it, on the other ſide of the Po: he had a bridge of communication; he went often into the place during the ſiege, to ſee and animate his men, and to give the neceſſary orders. The ſick and wounded were carried away, and freſh men put in their ſtead. This ſiege proved the moſt famous of all that had been during the late war: it laſted above five months, the garriſon being often changed, and always well ſupplied. The French army ſuffered much, by continuing the ſiege all the winter; and they were at a vaſt charge in carying it on. The bridge of communication was, after many unſucceſsful attempts, at laſt put off; and the duke of Savoy being thus ſeparated from the place, retired to Chivaz, and left them to defend themſelves as long as they could, which they did beyond what could in reaſon have been expected. He complained much of the emperor's failing to make good his promiſes; but, in a diſcourſe upon that ſubject with her majeſty's envoy, he ſaid, though he was abandoned by his allies, he would not abandon them himſelf.

and in the Cevennes. The people of the Cevennes ſuffered much this ſummer. It was not poſſible to come to them with ſupplies, till matters ſhould go better in Piedmont, of which there was no proſpect. They were adviſed to preſerve themſelves the beſt they could. Marſhal Villars was ſent into the country to manage them with a gentler hand; and the ſevere methods, taken by thoſe formerly employed, being now diſowned, he was ordered to treat with their leaders, and to offer them full liberty to ſerve God in their own way without diſturbance. They generally inclined to hearken to this, for they had now kept themſelves in a body much longer than was thought poſſible in their low and helpleſs ſtate. Some of them capitulated, and took ſervice in the French army; but, as ſoon as they came near the armies of the allies, they deſerted, and went over to them; ſo that, by

all

all this practice, the fire was rather covered at preſent than extinguiſhed. (a) 1704.

The

(a) Colonel Cavallier, their principal leader, in his memoirs of the wars of the Cevennes, B. IV. tells us, that the whole country was now reduced to a deſart, an hundred boroughs and villages plundered and burnt, the priſons full of proteſtants, and the ſuccours, which had been promiſed two years before from England, not come, when marſhal de Villars arrived in the province with freſh troops. The firſt thing he did after his arrival, was to give notice to Cavallier, that if he would come to any agreement, and lay down his arms, the marſhal had orders from the king to grant all his juſt demands; but, if Cavallier ſhould refuſe, the proteſtants ſhould expect no favour. At laſt, after a conference between the marſhal and Cavallier, the latter in conjunction with his friends drew up articles in behalf of the proteſtants of the Cevennes, which were ſigned by the marſhal and monſieur de Boſville, intendant of Languedoc, in the king's name, on the one part, and by Cavallier and his lieutenant Billiard, on the other; and were as follow:

The humble requeſt of the proteſtants, in the province of Languedoc, to his majeſty.

I. That his majeſty be pleaſed to grant us liberty of conſcience in all the province, and to hold religious aſſemblies in ſuch country places, as they ſhall think convenient, and not in cities or walled towns.

Granted, provided they do not build churches.

II. That all ſuch as are detained in the gallies only on account of religion, ſince the revocation of the edict of Nantes, be ſet at liberty in ſix weeks after the date hereof.

Granted.

III. That all who have left the kingdom on account of religion, ſhall have free liberty to return, and be reſtored to their eſtates and privileges.

Granted, on condition they take the oath of allegiance to the king.

IV. That the parliament of Languedoc ſhall be eſtabliſhed on its ancient foot, and reſtored to its privileges.

The king will adviſe.

V. That no capitation-tax ſhall be paid by the province, during the ſpace of ten years.

Refuſed.

VI. That we ſhall have the cities of Montpelier, Cette, Pernignan, and Aiguemortes, as cautionary towns.

Refuſed.

VII. That the inhabitants of the Cevennes, whoſe houſes have been burnt in the wars, ſhall pay no impoſts for the term of ſeven years.

Granted.

VIII. That out of a body of two thouſand of thoſe who were actually with monſieur Cavallier, and ſuch as ſhall be delivered out of the ſeveral priſons, he ſhall raiſe a regiment of dragoons to ſerve in Portugal: and that he ſhall receive his orders immediately from the king.

Granted, provided the remainder lay down their arms, that

1704. The diſorders in Hungary had a deeper root and a greater ſtrength. It was hoped, that the ruin of the elector of Bavaria would have quite diſheartened the malecontents, and have diſpoſed them to accept of reaſonable terms, if the emperor could have been prevailed upon to offer them frankly, and immediately upon their firſt conſternation, after the conqueſt of Bavaria. There were great errors in the government of that kingdom. By a long courſe of oppreſſion and injuſtice, the Hungarians were grown ſavage and intractable; they ſaw they were both hated and deſpiſed by the Germans. The court of Vienna ſeemed to conſider them as ſo many enemies, who were to be depreſſed in order to their being extirpated; upon any pretence of plots, their perſons were ſeized on, and their eſtates confiſcated. The Jeſuits were believed to have a great ſhare in all theſe contrivances and proſecutions; and it was ſaid, that they purchaſed the confiſcated eſtates upon very eaſy terms. The nobility of Hungary ſeemed irreconcileable to the court of Vienna. On the other hand, thoſe of that court, who had thoſe confiſcations aſſigned them, and knew, that the reſtoring theſe would certainly be inſiſted on as a neceſſary article, in any treaty that might follow, did all they could to obſtruct ſuch a treaty. It was viſible, that Ragotſki, who was at their head, aimed at the principality of Tranſylvania; and it was natural for the Hungarians to look on his arriving at that dignity, by which he could aſſiſt and protect them, as the beſt ſecurity they could have. On the other hand, the court of Vienna, being poſſeſſed of that principality, would not eaſily part with it. In the midſt of all this ferment, a revolution happened in the Turkiſh Empire. A new Sultan was ſet up, ſo that all things were now at a ſtand, till it might be known what was to be expected from him. They were ſoon delivered from this anxiety, for he ſent a Chiaus to the court of Vienna, to aſſure them, that he would give no

Affairs of Hungary.

that the king will permit them to live undiſturbed in the exerciſe of their religion.

By virtue of a full power we have received from his majeſty, we have granted the above articles to the New-converts of the province of Languedoc. Given at Niſmes, the 17th of May 1704.

The Marſhal de Villars.
Lamoignon de Boſville.
J. Cavallier.
Dan. Billiard.

But whether theſe articles were ever laid before the king, or only before his miniſters, colonel Cavallier was not able to determine; but it is certain, they were very little obſerved in favour of the proteſtants.

no assistance to the malecontents. That court, being freed from those apprehensions, resolved to carry on the war in Hungary as vigorously as they could. This was imputed to a secret practice from France on some of that court; and there were so many concerned in the confiscations, that every proposition that way was powerfully supported. Thus Italy was neglected, and the siege of Landau was ill-supported, their chief strength being employed in Hungary. Yet, when the ministers of the allies pressed the opening a treaty with the malecontents, the emperor seemed willing to refer the arbitration of that matter to his allies. But, though it was fit to speak in that style, yet no such thing was designed. A treaty was opened, but when it was known, that Zeiher had the chief management of it, there was no reason to expect any good effect of it. He was born a protestant, a subject of the Palatinate, and was often employed by the elector Charles Lewis to negociate affairs at the court of Vienna. He, seeing a prospect of rising in that court, changed his religion, and became a creature of the Jesuits, and adhered steadily to all their interests. He managed that secret practice with the French in the treaty of Ryswick, by which the protestants of the Palatinate suffered so considerable prejudice. The treaty in Hungary stuck at the preliminaries, for indeed neither side was then inclined to treat. The malecontents were supported by France: They were routed in several engagements, but these were not so considerable as the court of Vienna gave out in their public news. The malecontents suffered much in them, but came soon together again, and they subsisted so well by the mines, of which they had possessed themselves, and the incursions they made, and the contributions they raised from the emperor's subjects, that, unless the war was carried on more vigorously, or a peace offered more sincerely, that kingdom was long like to be a scene of blood and rapine, 1704.

So likewise was its neighbouring kingdom of Poland. It was hoped, that the talk of a new election was only a loud threatning, to force a peace sooner; but it proved otherwise. A diet was brought together of those, who were irreconcileable to king Augustus; and, after many delays, Stanislaus Leczinski, Palatine of Posnania, was chosen and proclaimed their king, and he was immediately owned by the king of Sweden. The cardinal primate seemed at first unwilling to agree to this; but he suffered himself to be forced into it; and this was believed to be an artifice of his to excuse himself to the court of France, whose pensioner he The affairs of Poland. July 12.

1704. he was, and to whom he had engaged to carry the election for the prince of Conti. The war was carried on this year with various ſucceſs on both ſides. King Auguſtus made a quick march to Warſaw, where he ſurpriſed ſome of Staniſlaus's party, the latter eſcaping narrowly himſelf. But the king of Sweden followed ſo cloſely, that, not being able to fight him, king Auguſtus was obliged to retreat into Saxony, where he continued for ſome months. There he ruined his own dominions, by the great preparations he made to return with a mighty force; but his delays induced many to forſake his party; for it was given out, that he would return no more, and that he was weary of the war, which he had good reaſon to be. Poland, in the mean while, was in a moſt miſerable condition. The king of Sweden ſubſiſted his army in it, and his temper grew daily more fierce and Gothic. He was reſolved to make no peace, till Auguſtus was driven out; but, in the mean time, his own country ſuffered greatly. Livonia was deſtroyed by the Muſcovites, who had taken Narva, and made ſome progreſs in Sweden. The pope eſpouſed the intereſts of king Auguſtus, for to ſupport a new convert of ſuch importance was thought a point worthy the zeal of that See. He therefore cited the cardinal primate to appear at Rome, and to give an account of the ſhare he had in all that war. The pope was now wholly in the French intereſt, and maintained the character, which they pretend to, of a common father, with ſo much partiality, that the emperor himſelf, how tame and ſubmiſſive ſoever to all the impoſitions of that See, yet could not but make loud complaints of it. The pope had threatned, that he would thunder out excommunications againſt all thoſe troops, which ſhould continue in his dominions. The emperor was ſo implicit in his faith, and ſo ready in his obedience, that he ordered his troops to retire out of the eccleſiaſtical ſtate; but all the effect this had, was to leave that ſtate entirely in the hands of the French, againſt whom the pope did not think fit to fulminate, tho' he pretended ſtill, that he would maintain a neutrality; and both the Venetians and the Great Duke adhered to him in that reſolution, and continued neutral during the war.

Third Seſſion of the Parliament meets, Oct. 29. After this view of the ſtate of affairs abroad, it is time to return to England, where, on the 29th of October, the parliament met at Weſtminſter, according to the laſt prorogation; and the queen, being come to the houſe of peers, made the following ſpeech to both houſes:

My Lords and Gentlemen, 1704.

"THE great and remarkable ſucceſs, with which God has bleſſed our arms in this ſummer, has ſtirred up Pr. H. C. "our good ſubjects in all parts of the kingdom, to expreſs III. 392. "their unanimous joy and ſatisfaction; and I aſſure myſelf, "you are all come diſpoſed to do every thing, that is ne- "ceſſary for the effectual proſecution of the war, nothing "being more obvious, than that a timely improvement of "our preſent advantages will enable us to procure a laſting "foundation of ſecurity for England, and a firm ſupport "for the liberty of Europe. This is my aim. I have no "intereſt, nor ever will have, but to promote the good and "happineſs of all my ſubjects.

Gentlemen of the Houſe of Commons;

"I muſt deſire ſuch ſupplies of you, as may be requiſite "for carrying on the next year's ſervice both by ſea and "land, and for punctually performing our treaties with all our "allies, the rather, for that ſome of them have juſt pre- "tenſions depending ever ſince the laſt war; and I need "not put you in mind, of what importance it is to preſerve "the public credit, both abroad and at home.

"I believe you will find ſome charges neceſſary next "year, which were not mentioned in the laſt ſeſſion, and "ſome extraordinary expences incurred ſince, which were "not then provided for.

"I aſſure you, that all the ſupplies you give, with what "I am able to ſpare from my own expences, ſhall be care- "fully applied to the beſt advantage for the public ſervice: "And I earneſtly recommend to you a ſpeedy diſpatch, as "that, which, under the good providence of God, we muſt "chiefly depend upon, to diſappoint the earlieſt deſigns of "our enemies.

My Lords and Gentlemen,

"I cannot but tell you how eſſential it is for attaining "thoſe great ends abroad, of which we have ſo hopeful a "proſpect, that we ſhould be entirely united at home.

"It is plain, our enemies have no encouragement left, "but what ariſes from their hopes of our diviſions. It is "therefore your concern not to give the leaſt countenance "to thoſe hopes.

"My inclinations are to be kind and indulgent to you "all. I hope you will do nothing to endanger the loſs of "this opportunity, which God has put into our hands, of

"ſecuring

1704. "ſecuring ourſelves and all Europe; and that there will be "no contention among you, but who ſhall moſt promote "the public welfare.

"Such a temper as this, in all your proceedings, cannot "fail of ſecuring your reputation both at home and abroad.

"This would make me a happy queen, whoſe utmoſt "endeavours would never be wanting to make you a happy "and flouriſhing people."

The two houſes immediately voted congratulatory addreſſes; and, the next day, the following one was preſented by the lords:

The Lords Addreſs. "WE, your majeſty's moſt dutiful and loyal ſubjects, "the lords ſpiritual and temporal, in parliament aſ- "ſembled, beg leave to return our humble and hearty "thanks to your majeſty for your moſt gracious ſpeech to "your parliament

"The kindneſs and indulgence your majeſty hath ex- "preſſed for all your ſubjects; your care to create a perfect "union among us, by forewarning us of the miſchiefs of "diviſions; your goodneſs in declaring your own happi- "neſs to depend upon that of your people; your deſire to "ſee that happineſs ſettled upon a laſting foundation; "your ſtrict regard to treaties; your juſtice to public en- "gagements, abroad as well as at home; and, your noble "concern for the ſuppopt of the liberties of Europe, compre- "hend all the royal qualities, that can be deſired in a ſove- "reign; and when they are all ſo manifeſtly united in your "royal perſon, we, and the whole nation ſhould be inex- "cuſable to God and the whole world, to this age and to "poſterity, if we ſhould not endeavour effectually to accom- "pliſh all thoſe great and excellent deſigns, which your ma- "jeſty hath ſo wiſely and graciouſly recommended.

"We, for ourſelves, faithfully aſſure your majeſty, that "we will do all in our power to bring this ſeſſion to a "happy and ſpeedy concluſion, and to improve, to the ut- "moſt, the bleſſed opportunity, that God hath put into "our hands.

"Upon this occaſion of approaching your majeſty, we "deſire humbly to congratulate the great and glorious ſuc- "ceſs of your majeſty's arms, in conjunction with thoſe of "your allies, under the command of the duke of Marlbo- "rough. We can never enough admire your wiſdom and "courage, in ſending that ſeaſonable and neceſſary aſſiſtance

"to

" to the empire; and we cannot too much commend the " ſecrecy and bravery, with which your orders were exe- " cuted. 1704.

" What remains for us to do, is, to beſeech God, that " the like ſucceſs may attend your majeſty's arms, till you " ſee the proteſtant religion and the liberty of Europe, ſet- " tled upon a firm and laſting foundation; and that your " majeſty may live many years, to have the pleaſure and " glory of beholding thoſe parts of the world happy in " the enjoyment of thoſe bleſſings, which your majeſty " ſhall have procured for them."

To this the queen anſwered, " I am very ſenſible of the " great duty and affection you have expreſſed in the ſeveral " particulars of this addreſs; and I return you my hearty " thanks for your congratulation of our great ſucceſs, and " for the aſſurances of your readineſs to concur in proſe- " cuting it effectually."

The addreſs preſented by the commons, the ſame day, was thus expreſſed:

Moſt gracious Sovereign,

" WE, your majeſty's moſt dutiful and loyal ſubjects, the knights, citizens, and burgeſſes, in parliament aſſembled, do beg leave to return to your majeſty our moſt humble and hearty thanks for your majeſty's moſt gracious ſpeech from the throne; and to congratulate your majeſty upon the great and glorious ſucceſs, with which it hath pleaſed God to bleſs your majeſty in the intire defeat of the united force of France and Bavaria, by the arms of your majeſty and your allies, under the command, and by the courage and conduct of the duke of Marlborough; and in the victory obtained by your majeſty's fleet, under the command, and by the courage of Sir George Rooke. The Commons Addreſs.

" Your majeſty can never be diſappointed in your expec- " tation from us, your faithful commons, who all come, " diſpoſed to do every thing neceſſary for the effectual proſe- " cution of the war; and therefore your majeſty may de- " pend upon our providing ſuch ſupplies, and giving ſuch " ſpeedy diſpatch to the public buſineſs, as may enable your " majeſty to purſue theſe advantages ſo happily obtained " over the common enemy, which we can never doubt but " your majeſty's wiſdom will improve to the procuring a

" laſting

1704. "lasting security for England, and a firm support for the "liberty of Europe.

"We are truly sensible, that nothing can be more essen- "tial for the attaining those great ends, than to be intirely "united at home. We shall therefore use our utmost en- "deavours, by all proper methods, to prevent all divisions "among us, and will have no contention, but who shall "most promote and establish the public welfare both in "church and state. Thus your majesty's reign will be "made happy, and your memory blessed to all posterity."

The queen "returned them thanks for the assurances "they gave her of dispatching the supplies, and avoding all "divisions; both which, as they were extremely acceptable "to her, so they would be advantageous to themselves, and "beneficial to the public."

Remarks on the addresses.

The lords address was universally applauded; but that of the commons gave great offence; particularly, because it spoke in the same terms of the duke of Marlborough's victories and the advantages gained by Sir George Rooke (1). It was also observed, that the promise, which they made to the queen, "of using their utmost endeavours to prevent "all divisions, was in a manner restrained by the addition of "all proper methods, which many looked upon as ominous."

Supplies are granted. Pr. H. C.

However, after the commons had taken the services of the army and navy into consideration, and, by an unanimous vote, on the 2d of November, desired the queen "to bestow "her bounty upon the seamen and land-forces, who had "behaved themselves so gallantly," they proceeded to the supply. The several sums they granted for the navy, the army, and other necessary expences, amounted to four millions, six hundred and seventy thousand, four hundred and eighty-six pounds; which they resolved to levy by a land-tax

(1) The duchess of Marlborough in the account of her conduct (p. 146.) makes the following observation on this occasion: My lord of Marlborough, before he had had sufficient opportunity of shewing the greatness of the general, had, for his first successes in the war, been complimented by this very house of commons, as the retriever of the glory of the English nation, being then reputed a high-churchman. But now, that he was thought to look towards the moderate party, his compleat victory at Blenheim was, in the address of congratulation to the queen, ridiculously paired with Sir George Rooke's drawn battle with the French at sea.

tax of four ſhillings in the pound, by continuing the duties on malt, by raiſing eight hundred and ſeventy-ſeven thouſand, nine hundred and thirty-one pounds, by ſale of annuities, and by ſeveral other ways and means. They made ſo great a diſpatch, that, on the 9th of December, the land-tax bill received the royal aſſent, on which occaſion the queen made a ſhort ſpeech to both houſes, wherein, in particular, ſhe returned thanks to the commons for their early diſpatch of ſo great a part of the neceſſary ſupplies, which ſhe looked upon to be a ſure pledge of their affections for her ſervice. 1704.

It was generally wiſhed, and indeed expected, in the court, as well as in the city and country, that the "bill to "prevent occaſional conformity," which was the occaſion of great diviſions and conteſts in the two former ſeſſions of this parliament, would not have been revived again at this juncture, when all parties ought to have ſuſpended their animoſities, and joined in celebrating the ſucceſſes of her majeſty's arms. But, notwithſtanding all the endeavours uſed by the miniſtry to engage the leading-men of the high-church party to reſtrain their zeal, till they might have an opportunity of gratifying it, without obſtructing the public buſineſs, the parliament had not ſat long, before Mr. William Bromley moved in the houſe of commons for leave to bring in that bill. This motion met with great oppoſition from all the moderate party, among whom appeared many courtiers, particularly Mr. Henry Boyle, chancellor of the Exchequer, who ſpoke ſtrenuouſly againſt it. But, though it was carried in the affirmative, yet the chief of the high-church party debated ſeveral days in their private aſſemblies, whether they ſhould bring in the bill or not? Though many urged ſtrong reaſons for the negative, yet the bill was brought in, but moderated in ſeveral clauſes; for thoſe, who preſſed it, were now reſolved to bring the terms as low as poſſible, in order once to carry a bill upon that head. Upon the firſt reading of it, after a warm debate, the queſtion was carried for a ſecond reading. This vigorous ſtruggle againſt the bill, even in the houſe of commons, made the patrons of it juſtly apprehenſive, that it would never paſs by itſelf thro' the lords; and therefore, after a long conſultation in their chief meeting, and (as was then whiſpered) by the ſuggeſtion of Mr. ſecretary Harley, in whom they ſtill reposed great confidence, but who deſigned to decoy them into a ſnare, they reſolved to attempt the tacking of it to the land-tax bill. Accordingly, on the ſecond reading of the occaſional

The occaſional bill is again brought in. Pr. H. C. III. 395. Burnet.

Nov. 23.

Endeavours to tack it to the land-tax bill.

Nov. 28. Pr. H. C.

1704. ſional bill, Mr. Bromley made a long ſpeech, wherein, among other things, he urged, "that the practice of occaſional conformity was ſuch a ſcandalous hypocriſy, as was no way to be excuſed upon any pretence whatſoever. That it was condemned even by the better ſort of Diſſenters themſelves. That the employing perſons of a different religion from that eſtabliſhed by law had never been practiſed by any wiſe government, and was not allowed even in Holland. That the ſacramental-teſt was appointed by the wiſdom of the legiſlature to preſerve the eſtabliſhed church; which church ſeemed in as much danger from the diſſenters at this time, as it was from papiſts, when the act was made. That this law, being ſo neceſſary, and having been twice refuſed in the houſe of lords, the only way to have it paſs, was to tack it to a money-bill. That it had been an antient practice to tack bills, that were for the good of the ſubject, to money-bills, it being reaſonable, that, while grievous taxes were laid upon the ſubject, for the ſupport of the crown, the crown ſhould, in return, paſs ſuch laws, as were for the benefit of the people. That the great neceſſity there was for the money bill's paſſing, was rather an argument for than againſt this proceeding. For what danger could there be, that the lords, who pretended to be ſuch great patriots, ſhould rather loſe the neceſſary ſupplies, than paſs an act ſo requiſite for the preſervation of the church. That, however, if they ſhould ſuppoſe them ſo unreaſonable, the matter was not yet ſo bad, for it was only but proroguing the parliament for a few days, and then the commons might paſs the land-tax bill again without the tack." He concluded with moving, "That the bill to prevent occaſional conformity might be tacked to the land-tax bill." This motion occaſioned a long and warm debate. The deſign of the party was, that the lords ſhould be put under a great difficulty; ſince if they ſhould untack the bill, and ſeparate one from the other, then the houſe of commons would have inſiſted on a maxim, which was now ſettled among them as a fundamental principle never to be departed from, that the lords cannot alter a money-bill, but muſt either paſs it, or reject it, as it is ſent to them.—On the other hand, the lords could not agree to any ſuch tack, without departing from that ſolemn reſolution, which was in their books ſigned by moſt of them, never to admit of a tack to a money-bill; and, if they yielded now, they taught the houſe of commons the way to impoſe any thing on them,

at

at their pleaſure. The party in the commons put their whole ſtrength on the carrying this point. They went farther in their deſign; that, which was truly aimed at by thoſe in the ſecret, was to break the war, and to force a peace. They knew, that a bill with this tack could not paſs in the houſe of peers; for ſome lords even of their own party confeſſed, that they would never paſs it in that manner. By this means money would be ſtopped; and this would throw all matters into great confuſion both at home and abroad, and diſpoſe the allies, as deſpairing of any help from England, to accept of ſuch terms as France would offer them. Thus an artful deſign was formed to break, or at leaſt to ſhake, the whole alliance. The court was very apprehenſive of this, and the lord-treaſurer Godolphin oppoſed it with much zeal. The party drowned the deſign for ſome time, till they had brought up their whole ſtrength, and thought they were ſure of a majority. The debate held long: Thoſe, who oppoſed the tacking, urged, that it was a change of the whole conſtitution, and was in effect turning it into a commonwealth, for it imported the denying, not only to the lords, but to the crown, the free uſe of their negative in the legiſlature. If this was once ſettled, then, as often as the public occaſions made a money-bill neceſſary, every thing, which the majority in the commons had a mind to, would be tacked to it. It is true, ſome tacks had been made to money-bills in king Charles's time; but even thoſe had ſtill ſome relation to the money which was given. But in this caſe a bill, whoſe operation was only for one year, and which determined as ſoon as the four ſhillings in the pound were paid, was to have a perpetual law tacked to it, which muſt continue in force, after the greateſt part of the act was expired. Beſides theſe arguments, Mr. Secretary Hedges and the Lord Cutts repreſented to the houſe, that the duke of Marlborough had lately concluded a treaty with the king of Pruſſia for eight thouſand of his men, to be employed towards the relief of the duke of Savoy, who was in moſt imminent danger. That theſe troops were actually on their march, upon the credit of a vote of that houſe, that they would make good her majeſty's treaties: And that the obſtructing the money-bills, which the tacking would infallibly do, would put an immediate ſtop to the march of thoſe troops, and thereby occaſion the intire ruin of the duke of Savoy. The lord Cutts urged, "That the Engliſh nation "was now in the higheſt conſideration abroad: That all "Europe was attentive to the reſolutions of this parliament; 1704.

1704. "and that, if any diviſions ſhould happen between the two "houſes, it would caſt a damp upon the whole confederacy, "and give the French king almoſt as great advantage, as "we had gained over him at Blenheim." Mr. Boyle, chancellor of the Exchequer, ſpoke on the ſame ſide, and aſked, "Whether any wiſe man amongſt them would venture his "whole eſtate upon a vote?" And, anſwering himſelf in the negative, Then, added he, ſhall we now venture the ſafety of all England, nay, of all Europe, upon this vote? Sir John Hollis perceiving, that many members had left the high-church party, obſerved, "That for his own part, he "had been againſt this bill from the beginning; but he wondered, that thoſe gentlemen, who had all along pretended, that the church of England was on the brink of ruin, "unleſs ſuch a bill ſhould paſs, did not purſue the only "method, that might ſecure the paſſing of that bill. I put "it (added he) to the conſcience of thoſe gentlemen, who "are come over to us, whether they were before ſatisfied, as to the reaſonableneſs and neceſſity of this bill, "ſince now they deſert their own friends? I wiſh they had "voted on our ſide two years ago, for it would have ſaved "us a great deal of trouble, the greateſt part of the nation "a great deal of uneaſineſs, and themſelves the confuſion "of abandoning their party at a pinch."

Sir Thomas Littleton ſpoke on the ſame ſide, and ſaid, "By the tacking of this bill, we mean to throw a neceſſity "upon the lords to paſs it. But ſuppoſe the lords think "fit to untack what we have tacked, and to acquaint us "that they are ready to paſs the money-bill, but will conſider of the other; whoſe fault will the nation account it "to be, that the queen's buſineſs is retarded? In anſwer to all theſe objections, ſome precedents were alledged, and the neceſſity of the bill for the preſervation of the church was urged, which they ſaw was not like to paſs, unleſs ſent to the lords ſo accompanied; which ſome thought was very wittily expreſſed by calling it a portion annexed to the church, as in a marriage; and they ſaid they did not doubt but thoſe of the court would exert themſelves to get it paſſed, when it was accompanied with two millions as its price. Upon the diviſion, the tack was rejected by a majority of two hundred and fifty-one voices againſt one hundred and thirty-four.

Thus that deſign was loſt by thoſe who had built all their hopes upon it, and were now highly offended with ſome of their own party, who had, by their oppoſition, wrought

wrought themſelves into good places, and forſook that intereſt to which they owed their advancement. Theſe, to redeem themſelves with their old friends, ſeemed ſtill zealous for the bill, which afterwards went on coldly and ſlowly in the houſe of commons, for they loſt all hopes of carrying it in the houſe of lords, now that the mine they had laid was ſprung. However, it was ſent up on the 14th of December; and the next day it was read for the firſt time. If the queen had not been preſent, there would have been no long debate on that head, for it was ſcarce poſſible to ſay much, that had not been formerly ſaid; but to give her majeſty full information, ſince it was ſuppoſed that ſhe had heard that matter only on one ſide, it was reſolved to open the whole in her hearing. The topics moſt inſiſted on were, the quiet that the nation enjoyed by the toleration, on which head the ſeverities of former reigns were laid open, both in their injuſtice, cruelty, and their being managed only to advance popery, and other bad deſigns. The peaceable behaviour of the diſſenters, and the zeal they expreſſed for the queen and her government, were likewiſe copiouſly ſet forth, while others ſhewed a malignity to it. That which was chiefly urged was, that every new law made in the matter, altered the ſtate of things from what it was, when the act for toleration firſt paſſed. This gave the diſſenters an alarm: they might from thence juſtly conclude, that one ſtep would be made after another, till the whole effect of that act ſhould be overturned. It did not appear, from the behaviour of any among them, that they were not contented with the toleration they enjoyed, or that they were carrying on deſigns againſt the church. In that caſe it might be very reaſonable to look for a further ſecurity; but nothing tending that way was ſo much as pretended: all went on jealouſies and fears, the common topics of ſedition. On the other hand, to ſupport the bill, all ſtories were brought up to ſhew how reſtleſs and unquiet that ſort of men had been in former times. The archbiſhop of York declared, "That he was for ſo much of the bill as concerned the church." Whereupon the earl of Peterborough ſaid, "That he was glad to hear that learned prelate make a diſtinction between the eccleſiaſtical and political part of the bill; and he hoped, that all the lords, who, in their conſciences, were ſatisfied, as his grace ſeemed to be, that this bill was framed to ſerve a temporal, as well as a ſpiritual end, would vote againſt it." The queſtion being put, whether the bill ſhould be read a

1704.

The occaſional bill ſent up to the lords, is debated and rejected by them. Burnet. Pr. H. C. III.

1704. second time, it was carried in the negative by a majority of forty-one voices against fifty; fifty-one members present, and twenty proxies, being for rejecting it; and thirty-three peers in the house, and seventeen proxies, for giving it a second reading.

Debate concerning Scotland. Pr. H. L. III. Hist. of Europe. Burnet.

By this time the lords were engaged in an affair which made no less noise than the conformity-bill, and was occasioned by a speech of lord Haversham; his lordship having acquainted the peers, that he had matters of great importance to lay before them, but that he desired it should be in a full house; all the lords in town and in the neighbourhood were summoned to attend three days after, when his lordship made a speech, of which these are the most remarkable passages:

"I would be far from detracting or lessening any man's "just praise, and do really believe, that the wonderful "victory obtained over the French, under the conduct and "command of prince Eugene and the duke of Marlborough, "if considered in all its circumstances, especially the un-"usual secrecy with which the orders were executed, is the "greatest any history can shew us.

"And, though our success at sea was not equal to what "it was at land, yet the English courage and bravery "shewed itself the same. I cannot indeed congratulate Sir "George Rooke's intire victory over the French; but I "can, and do most heartily, his safe deliverance from them.

"Let our victories be what they will ashore, while France "is thus powerful at sea, and more so daily, not only by "her new additions, but by our too easy concessions, as "were those of St. Christopher's, Newfoundland, and Hud-"son's-bay; while our trade is thus neglected, and your "lordships faithful and provident advice baffled by the dark "counsels of no body knows who; England, in my opi-"nion, can never be safe.

"Another thing that I shall take notice of, is the present "state of the coin; and I dare venture to say, that, if such "vast exportations be much longer continued and allowed, "we shall have very little left at home. France may be "beaten, but England must be beggared.' I know we are "not so sensible of this, because there is a paper-money "now current; but, should there ever happen to be a stop "there, I pray God preserve us from sinking all at once.

"The last thing that I shall mention to your lordships, "is in relation to Scotland. I think I need but lay before "your lordships the true matter of fact to convince you how

" much it deſerves your conſideration. A little before the 1704.
" laſt ſitting down of the parliament there, it was thought
" neceſſary to make ſome alteration in that miniſtry; and
" accordingly ſome were diſplaced to make room for others,
" taking ſome from each party, who might influence the
" reſt. Things being thus prepared, and a motly miniſtry
" ſet up, the parliament met about the 6th of July laſt,
" And, though the ſucceſſion to the crown in the proteſtant
" line was the main thing recommended with the greateſt
" earneſtneſs by the queen in her letter to them, yet was it
" ſo poſtponed and baffled, that at length it came to no-
" thing; partly, becauſe the miniſtry was ſo weak and di-
" vided, that, inſtead of doing every thing, they could do
" nothing; and partly from a received opinion, that the
" ſucceſſion itſelf was never ſincerely and cordially intended,
" either by the miniſtry there, or by thoſe that managed
" the Scots affairs here.

" This is very evident; for, at the opening of the ſeſſion,
" my lord ſecretary himſelf diſtinguiſhes between a ſecret
" and revealed will. And not only that, but upon the
" fourth Sederunt (as they call it) a motion was made for
" a bill of excluſion; I take it formally to be ſo, though it
" bears the title of an act of ſecurity, which was read the
" firſt time on the 7th, and ordered to lie on the table till
" they heard from England; and, on the 10th, it paſſed
" into a law. Now can any reaſonable man believe, that
" thoſe who promoted a bill of excluſion there, or thoſe
" who here adviſed the paſſing of it, could ever be really
" and cordially for the Engliſh ſucceſſion. I know there is
" an exception in the act itſelf; but it is ſuch a one as
" might have full as well been left out. For he that aſks
" what he knows before will never be granted, only aſks
" the denial. And yet this is not all, but in this very bill
" of excluſion, as I call it, all the heretors and boroughs
" are not only allowed, but ordained (as the word is) to
" be armed, and to exerciſe their fencible men once every
" month.

" This being the fact (and, I think, I have ſtated it very
" truly) ſurely, my lords, it is what deſerves your conſide-
" ration; and I ſhall make but one or two obſervations to
" your lordſhips. There are two matters of all troubles;
" much diſcontent, and great poverty; and whoever will
" now look into Scotland, will find them both in that king-
" dom. It is certain, the nobility and gentry of Scotland
" are as learned and as brave as any nation in Europe can

1704. "boaſt of; and theſe are generally diſcontented. And as "to the common people, they are very numerous and very "ſtout, but very poor. And who is the man that can an- "ſwer what ſuch a multitude, ſo armed, ſo diſciplined, "with ſuch leaders, may do, eſpecially ſince opportunities "do ſo much alter men from themſelves? And there will "never be wanting all the promiſes and all the aſſiſtance "France can give.

"Beſides this, my lords, I take it to be of the laſt danger "to England, that there ſhould be the leaſt ſhadow or pre- "tence of a neceſſity to keep up regular and ſtanding troops "in this kingdom in time of peace; for I ſhall always be "of the ſame opinion, that what has been, may be. In "ſhort, my lords I think every man wiſhes theſe things "had not been; and in my opinion, there is no man, but "muſt ſay, they ſhould not have been. I ſhall end with an "advice of my lord Bacon's. Let men, ſays he, beware "how they neglect or ſuffer matter of troubles to be pre- "pared; for no man can forbid the ſparks that may ſet all "on fire."

The lords were variouſly affected with this ſpeech; which though generally approved, as to that part of it, which related to the Scots affairs, yet was it no leſs unwelcome than unexpected to ſee the preſent miniſtry reflected upon, to whoſe counſels and management the nation owed its proſperity at home, and, in great meaſure, its ſucceſſes abroad. And beſides, ſome peers thought it derogatory to the duke of Marlborough, that prince Eugene ſhould be named before him in the mention of an action, in which that prince acted but a ſecond part. However, this ſpeech was ſeconded by the earls of Rocheſter and Nottingham; the former particularly lamenting the ill conſequences of the exportation of the coin, and inſiſting on the neceſſity of putting a ſtop to that evil. The lord-treaſurer, who took this to be an oblique reflection on himſelf, ſaid, "That, though it would not be "difficult to demonſtrate, that there never was ſo great a "plenty of money in England, as at preſent, yet there "was a ſure way to increaſe that plenty, and prevent the "exportation of coin, and that was by clapping up a peace "with France. But then, added he, I leave it to the con- "ſideration of any wiſe man, whether we ſhall not thereby "be ſhortly in danger of loſing not only all our coin, but "all our land to boot."

The Scots buſineſs being the moſt material part of the lord Haverſham's ſpeech, the 25th of November was ap-

pointed to conſider of it, upon which day the queen went to the houſe of peers, both to hear the debates about that important point and to moderate by her preſence any heats, which might ariſe (a). This, however, had not all the deſired effect; for the earl of Nottingham, having reflected on king William with relation to the treaty of partition, the lord Somers roſe up and ſaid, "That it was unbecoming a "member of that houſe to ſully the memory of ſo great "a prince; and he doubted not, but a man, who could re-"flect upon king William before his ſucceſſor, would do the "ſame by her preſent majeſty, when ſhe was gone." As to the treaty mentioned by the earl of Nottingham, he added, "That there was a noble lord there preſent (mean-"ing the earl of Jerſey) who was the principal agent and "plenipotentiary in that treaty, and whoſe duty, as well "as intereſt, it was to vindicate both the memory of his "late moſt gracious maſter and his own conduct." In the mean time the lord Mohun conſulted with ſeveral peers, whether they ſhould move to ſend the earl of Nottingham to the tower. But this being the firſt time the queen did the houſe the honour of coming to hear their debates, they thought fit to decline that motion out of reſpect to her majeſty. As to the main buſineſs of the day, the earls of Nottingham and Rocheſter urged the ill conſequences of the act of ſecurity paſſed in Scotland: And it being anſwered, that the ſame was granted, to prevent the danger of a rebellion in that kingdom, it was replied, "That, if the "Scots had rebelled, they would have rebelled without "arms; whereas, if they had a mind to rebel now, this "act had legally ſupplied them with neceſſaries to ſupport "their rebellion." The more moderate repreſented, That, like ſkilful phyſicians and wiſe legiſlators, they ought rather to apply preſent remedies to a known evil, than to loſe time in enquiring, whether or no it might have been prevented. It was after much declaiming moved, that the lords might paſs ſome votes upon the Scots act. The tories, 1704.

(a) The queen began this winter to come to the houſe of peers upon great occaſions to hear their debates, which, as it was of good uſe for her better information, ſo it was very ſerviceable in bringing the houſe into better order. The firſt time ſhe came, was, when the debate was taken up concerning the Scots act: ſhe knew the lord treaſurer was aimed at by it, and ſhe diverted the ſtorm by her endeavours, as well as ſhe reſtrained it by her preſence. Burnet. Vol. II. 405.

1704. tories, who preſſed this, intended to add a ſevere vote againſt all thoſe, who had adviſed it; and it was viſible at whom this was aimed. The whigs diverted this: They ſaid, that the putting a vote againſt an act paſſed in Scotland looked like claiming ſome ſuperiority over them, which ſeemed very improper at that time; ſince that kingdom was poſſeſſed with a national jealouſy on this head, which would be much increaſed by ſuch a proceeding. More moderate methods were therefore propoſed, in order to the making up of a breach in this iſland, with which it ſeemed to be threatned; and, at laſt, the grand committee of the peers came to theſe reſolutions, "That the beſt method to prevent the inconveniences, which might happen by the late acts paſſed in Scotland, was by making ſuch laws here for that purpoſe: That * the queen be enabled by act of parliament, on the part of England, to name commiſſioners to treat about an union with Scotland, provided, that theſe powers be not put in execution, till commiſſioners ſhould be named on the part of Scotland by the parliament there. That Scotſmen † ſhould not enjoy the privileges of Engliſhmen, except ſuch as are ſettled in this kingdom, in Ireland, and the plantations, and ſuch as are or ſhall be in our land or ſea-ſervice, until an union be had, or the ſucceſſion ſettled as in England. That the bringing ‡ of cattle from Scotland into England be prevented. That the lord admiral or * commiſſioners of the admiralty, for the time being, be required to give orders to her majeſty's ſhips, to take ſuch ſhips, as they ſhall find trading from Scotland to France, or to the ports of any of her majeſty's enemies; and that cruizers be appointed for that end. And that the † exportation of Engliſh wool into Scotland be carefully hindered."

* This was ſuggeſted by the Ld. Wharton.

† This by lord Halifax.

‡ This by lord Ferrers.

* This by the earl of Torrington.

† This by lord Mohun.

Theſe reſolutions being approved by the houſe, the judges were ordered to reduce them into bills; one of which, for an intire union, was read a third time, and paſſed the twentieth of December, and ſent to the commons for their concurrence. On the 9th, the lords preſented an addreſs to the queen, importing, "That, having taken into "conſideration divers acts of parliament lately paſſed in "Scotland, and duly weighed the dangerous and pernicious "effects which were likely to follow from them, they "were preparing bills for preventing ſuch great evils; and, "in the mean time, they thought themſelves bound to re"preſent to her majeſty, as their humble opinion, that it "was highly requiſite for the ſafety of this kingdom, that

"ſpeedy

"ſpeedy and effectual orders be given for putting of New- 1704.
"caſtle into a condition of defence, for ſecuring the port of
"Tinmouth, and for repairing Carliſle and Hull. They
"alſo beſought her majeſty to cauſe the militia of the four
"northern counties to be diſciplined, and provided with arms
"and ammunition; and a competent number of regular troops
"to be kept upon the northern borders of England and in the
"north parts of Ireland: and to direct the laws to be effec-
"tually put in execution againſt all papiſts in reſpect to their
"arms and perſons, and to order a particular account of what
"was done, in execution of her commands, to be laid before
"her majeſty in counſel without delay." To this addreſs the queen anſwered, That ſhe ſhould direct a ſurvey to be "made of the ſeveral places mentioned in this addreſs, in "order to lay it before the parliament: And what forces "could be ſpared from their attendance here, ſhould be "quartered upon the borders, as they had been the laſt year: "And that ſhe would likewiſe give the neceſſary directions "upon the other particulars of the addreſs."

The commons likewiſe, having in a grand committee, conſidered the ſtate of the nation with regard to Scotland, reſolved on the 13th of December, that a "bill ſhould be "brought in for the effectual ſecuring the kingdom of Eng-"land from the apparent dangers, that might ariſe from "ſeveral acts lately paſſed in the parliament of Scotland."

And on the 11th of January, Mr. Conyers reported from the committee of the whole houſe, to whom it was referred to conſider of heads for that bill, the reſolutions they had to come to, and which were as follow: "That it be one head "of the bill to enable her majeſty to nominate and appoint "commiſſioners for England to treat with commiſſioners "from Scotland, for an union between the two kingdoms. "2. That all natives of the kingdom of Scotland, except "ſuch as are ſettled and ſhall continue inhabitants of Eng-"land, or the dominions thereunto belonging, or at preſent "in the ſervice of the army or navy, ſhall be reputed as "aliens, unleſs the ſucceſſion to the crown of Scotland be "ſettled on the princeſs Sophia of Hanover and the heirs of "her body being proteſtants. 3. That a more effectual "proviſion be made to prevent the exportation of wool from "England and Ireland into Scotland. 4. That proviſion "be made to prevent the importation of Scots linen into "England or Ireland, and to permit the exportation of "the linen manufactures of Ireland in Engliſh bottoms into "her majeſty's plantations in the Weſt-Indies. 5. That

"immediate

1704. "immediate proviſion be made to prevent the conveying of "horſes, arms, and ammunition, from England into Scot- "land. 6. That all the proteſtant free-holders of the "ſix-northern counties of England be permitted to furniſh "themſelves with arms." Theſe reſolutions being read twice, all, except the laſt, were agreed to by the houſe, who appointed a committee to prepare and bring in a bill accordingly; and on the 16th of January, upon the ſecond reading of the lords bill to the ſame purpoſe, it was ordered to lie upon the table, becauſe the commons were reſolved to adhere to a notion, which had now taken ſuch root among them, that it could not be ſhaken, that the lords could not put into a bill begun with them any clauſe, containing money-penalties, as they had done into this. This notion was indeed wholly new, for penalties upon tranſgreſſions could not be conſtrued to be a giving of money. The lords were clearly in poſſeſſion of proceeding thus; ſo that the calling it in queſtion was an attempt on the ſhare, which the lords had in the legiſlature. On the firſt of February, the commons read it a third time, and paſſed their own bill relating to Scotland; and the following Chriſtmas was the day prefixed for the Scots to enact the ſucceſſion, or, on failure thereof, then this act was to have effect. A great coldneſs appeared in many of the commons, who uſed to be hot on leſs important occaſions: they ſeemed not to deſire, that the Scots ſhould ſettle the ſucceſſion; and it was viſible, that ſome of them hoped, that the lords would have uſed their bill, as they had uſed that ſent down by the lords. Many of them were leſs concerned in the fate of the bill, becauſe it diverted the cenſure, which they had intended to fix on the lord-treaſurer. But the lords were aware of this, and four days after the bill was ſent up to them, paſſed it without any amendment. Thoſe, who wiſhed well to the union, were afraid, that the prohibition, and the declaring the Scots aliens after the day prefixed, would be looked on as threatnings; and they ſaw cauſe to apprehend, that ill tempered men in Scotland would uſe this as an handle to divert that nation, which was already much ſoured, from hearkening to any motion that might tend to promote the union, or the declaring the ſucceſſion. It was given out by thoſe, that this was an indignity done their kingdom, and that they ought not ſo much as to treat with a nation, that threatened them in ſuch a manner. The marquiſs of Tweedale excuſed himſelf from ſerving any longer, upon which the duke of Argyle was appointed lord-high-commiſſioner in his room.

The

The duke of Marlborough, upon his return to England, and firſt coming to the houſe of peers, received the following compliment from the lord-keeper in the name of that houſe: 1704.

The duke of Marlborough complimented at his return by the lord-keeper. Dec. 15.

My lord duke of Marlborough,

"THE happy ſucceſs that hath attended her majeſty's arms "under your grace's command in Germany the laſt "campaign, is ſo truly great, ſo truly glorious in all its cir- "cumſtances, that few inſtances in the hiſtory of former "ages can equal, much leſs excel the luſtre of it.

"Your grace has not overthrown young unſkilful gene- "rals, raw and undiſciplined troops; but your grace has "conquered the French and Bavarian armies; armies that "were fully inſtructed in all the arts of war, ſelect vete- "ran troops, fluſhed with former victories, and command- "ed by generals of great experience and bravery.

"The glorious victories your grace has obtained at "Schellenberg and Hochſtet, are very great, very illuſtri- "ous in themſelves: but they are greater ſtill in their con- "ſequences to her majeſty and her allies. The emperor "is thereby relieved; the empire itſelf freed from a dan- "gerous enemy in the very bowels of it; the exorbitant "power of France is checked; and, I hope, a happy ſtep "made towards reducing of that monarch within his due "bounds, and ſecuring the liberties of Europe.

"The honour of theſe glorious victories, great as they "are, under the immediate bleſſing of almighty God, is "chiefly, if not alone, owing to your grace's conduct and "valour.

"This is the unanimous voice of England, and all her "majeſty's allies.

"My lord, this moſt honourable houſe is highly ſenſible of "the great and ſignal ſervices your grace has done her ma- "jeſty this campaign, and of the immortal honour you have "done the Engliſh nation; and have commanded me to "give you their thanks for the ſame. And I do accord- "ingly give your grace the thanks of this houſe for the "great honour your grace has done the nation, and for the "great and ſignal ſervices you have done her majeſty and "this kingdom, the laſt campaign."

The duke's anſwer.

The duke's anſwer was as follows:

My lords,

"I am extremely ſenſible of the great honour your lord-

1704-5. "lordſhips are pleaſed to do me. I muſt beg, on this occaſion, to do right to all the officers and ſoldiers I had "the honour of having under my command. Next to the "bleſſing of God, the good ſucceſs of this campaign is "owing to their extraordinary courage. I am ſure it will "be a great ſatisfaction, as well as encouragement to the "whole army, to find their ſervices ſo favourably ac-"cepted."

The ſame day, a committee of the houſe of commons waited on the duke, to give him alſo the thanks of that houſe.

The French priſoners ſent to Nottingham and Litchfield.

Marſhal de Tallard, with the other French generals, being now at the queen's diſpoſal, ſhe had a fair opportunity of ſhewing her reſentment of the late haughty and contemptuous behaviour of the French towards her royal perſon and dignity. For, to omit other inſults, it is remarkable, that, when the lord Cutts was about ſettling a cartel with their commiſſioners, they would not allow his title of lieutenant-general of the queen of England's forces, but only of the Engliſh forces; upon which, the conferences were broke off. For this, and ſome other reaſons, it was reſolved to give the French priſoners ſome ſmall mortification, by letting them lie two nights on board the Catharine and William and Mary yachts in the river; and by ſuffering no perſon of diſtinction to have acceſs to them. And it is to be obſerved, that the earl of Feverſham having aſked the duke of Marlborough, "Whether he might go and ſee "his old friend the marſhal de Tallard? The duke told "him, That he believed the queen would not refuſe him "leave, if he aſked it of her:" Which the earl took for a ſoft denial, and forbore to make any application to ſee the marſhal, who, with the reſt of the French priſoners, landed on the 16th of December, at Blackwall, where they were magnificently entertained at dinner by Mr. Jackſon, and, in the afternoon, ſet out in ſeveral coaches for Barnet, in their way to Nottingham and Litchfield, where her majeſty thought fit they ſhould reſide (1). They were accompanied by general Churchill, and attended by a detachment of the duke of

(1) At Nottingham, marſhal de Tallard; the marquis de Monperoux, general of horſe; the count de Blanzac, lieutenant-general; the marquis de Hautefeuille, general of dragoons; the marquis de Villeſame, the marquis de Sappeville, the marquis de Silly, the chevalier de Croiſſy, the marquis de la Valiere, major-generals; monſieur de St. Second, brigadier;

of Northumberland's royal regiment of horſe-guards, who were alſo ordered to guard them at Nottingham and Litchfield as priſoners, being allowed all manner of freedom, both in thoſe places and ten miles round about. 1704-5.

On the 3d of January, the ſtandards and colours, taken at Blenheim, were ſet up in Weſtminſter-hall; and three days after, the duke of Marlborough was entertained by the city of London. Two days before, Dr. Delaune, Vice-chancellor of Oxford, accompanied by ſeveral of the heads of houſes, the proctors, and other principal members of the univerſity, attended the queen with a printed copy of the ſpeeches and verſes ſpoken in the theatre on New-year's day. They preſented at the ſame time an addreſs to her majeſty, importing, "That the exerciſe performed in their "theatre, was in honour of the great ſucceſs of her ma-"jeſty's arms the laſt year in Germany, under the admirable "conduct and invincible courage of the duke of Marlbo-"rough; and at ſea under the moſt brave and faithful ad-"miral, Sir George Rooke; actions as beneficial as they "were glorious, by which the empire was freed from the "power of France, and treachery of Bavaria, Charles III. "poſſeſſed of Gibraltar, a happy preſage of his ſpeedy ſet-"tlement in his kingdoms, commerce in the Mediterra-"nean ſecured, and the greateſt check, that was ever given "to the ambitious deſigns of France. Concluding with "their prayers to God, that he would ſtill reward her ma-"jeſty's pious care and concern for the eſtabliſhed church, "by the continuance of victory to her arms." The queen returned a cold anſwer to this addreſs, deſiring, however, the vice-chancellor to let the univerſity know, "how "kindly ſhe took this inſtance of their zeal;" but adding, "that as they might be aſſured of her protection, ſo ſhe "would not doubt of their care to encourage thoſe princi-"ples, which would promote the peace and welfare of her-"ſelf and all her ſubjects." The truth was, that the duke of

dier; the marquis de Vaſſey, colonel of dragoons: At Litchfield, the marquis de Marivaux, lieutenant general; monſieur de la Meſſiliere, monſieur Jolly, monſieur d'Amigny, brigadiers; monſieur de St. Maurice, the count de Lionne, the marquis de Laſſey, the baron d'Elft, monſieur de Balincourt, monſieur de Saulveboeuf, monſieur de Montenay, monſieur de Gallart, monſieur de Creſſy, colonels of foot; monſieur de Ligondais, the baron de Heyder, colonels of horſe; monſieur de Price, and monſieur d'Aurival, colonels of dragoons.

1704-5. of Marlborough's friends were greatly offended with an addreſs, which ſet the actions of the admiral upon the ſame level with thoſe of the captain-general. And, as the univerſity of Oxford ſpoke the ſenſe of the whole high-church party, ſo it was not long before the court, who now eſpouſed the oppoſite intereſt, ſhewed their reſentment of it.

The manor of Woodſtock ſettled on the duke of Marlborough.

On the 11th of January, the commons took into conſideration the great ſervices performed by the duke of Marlborough the laſt ſummer; and Sir Chriſtopher Muſgrave, who, in a former ſeſſion, had chiefly oppoſed a motion for rewarding the duke, being now ſilenced, as it was thought, by a promiſe of a place for his ſon, it was unanimouſly reſolved to preſent an addreſs to her majeſty, expreſſing, "the "great ſenſe this houſe had of the glorious victories ob- "tained by the forces of her majeſty and her allies under "the command of the duke of Marlborough; and humbly "deſiring her majeſty to conſider of ſome proper means to "perpetuate the memory of the great ſervices performed "by his grace." The queen took a few days to conſider of this addreſs; and, on the 17th ſent the following meſſage to the commons, "That ſhe inclined to grant the intereſt "of the crown in the honour and manor of Woodſtock, "and hundred of Wooton, to the duke of Marlborough "and his heirs; and the lieutenancy and rangerſhip of the "parks, with the rents and profits of the manors and hun- "dreds, being granted for two lives, her majeſty thought "it proper that incumbrance ſhould be cleared." Hereupon the commons ordered a bill to be brought in, to enable the queen to grant the honour and manor of Woodſtock, and hundred of Wooton, to the duke of Marlborough and his heirs; and reſolved to addreſs the queen to advance the money for clearing the forementioned incumbrances. The queen not only complied with this addreſs, but likewiſe ordered the comptroller of her works to build in Woodſtock-park a magnificent palace, called Blenheim-Houſe. The plan of this magnificent building was formed by Sir John Vanbrugh, in which extent and ſtability ſeem to be more ſtudied than art and beauty.

By this time Sir George Rooke had been laid aſide; and it was publicly declared, that the lord-high-admiral had appointed Sir Cloudeſley Shovel, admiral of the white ſquadron, to be rear-admiral of England, and admiral and commander in chief of her majeſty's fleet. Sir John Leake, who had diſtinguiſhed himſelf in the late ſea-fight, and had been very

ſucceſsful

ſucceſsful in the ſeaſonable relief of Gibraltar, was at the ſame time appointed vice-admiral of the white ſquadron; Sir George Byng, vice-admiral of the blue; Sir Thomas Dilks, rear-admiral of the red; William Whetſtone, rear-admiral of the white; Sir John Jennings, rear-admiral of the blue, in the room of Sir James Wiſhart, who laid down his commiſſion. 1704-5.

Complaints of the miſmanagement both at the board of the prince of Denmark's council, as lord-high-admiral, and at ſea, roſe now very high. The houſe of commons, during the whole continuance of the parliament, never appointed a committee to look into thoſe matters which had been formerly a main part of their care. They ſaw, that things were ill conducted, but the chief managers of ſea-affairs were men of their party; and that atoned for all faults, and made them unwilling to find them out, or to cenſure them. The truth was, the prince was prevailed on to continue ſtill in the admiralty, by thoſe who ſheltered themſelves under his name, though this brought a great load on the government. The lords proceeded as they had done in the former ſeſſions, examining into all complaints. They named two committees, the one to examine the books of the admiralty, the other to conſider the proceedings at ſea. No progreſs was made in the firſt of theſe; for, tho' there was a great deal ſuggeſted in private, yet, ſince this ſeemed to be complaining of the prince, none would appear directly againſt him. But the proceedings at ſea afforded matter enough, both for enquiry and cenſure. The moſt important, and that which had the worſt conſequences, was, that, though there were twenty-two ſhips appointed for cruiſing, yet they had followed that ſervice ſo remiſsly, and the orders ſent them were ſo languid and ſo little urgent, that three diligent cruiſing ſhips could have performed all the ſervices done by that numerous fleet. This was made out in a [illegible] which all the days of their being at ſea were reckoned up, which did not exceed what three cruiſers might have performed. It did not appear, whether this was only the effect of ſloth or ignorance, or if there lay any deſigned treachery at the bottom. It ſeemed very plain, that there was treachery ſomewhere, at leaſt among the under-officers; for, a French privateer being taken, there were found among his papers inſtructions ſent him by his owners, in which he was directed to lie in ſome ſtations, and to avoid others; and it happened, that this agreed ſo exactly with the orders ſent from the admiralty, that it ſeemed it could

Complaints of the admiralty. Burnet. Hiſt. of Europe.

1704-5. not be by chance, but that the directions were ſe[illegible] ſight of the orders. On the 5th of February, [illegible] preſented an addreſs to the queen, concerning the [illegible] nagements of the navy, ſetting forth in particular, "That, "for the three laſt years, the charge of the navy had ex- "ceeded what was deſigned by the parliament, the [illegible] "above three hundred and ſixty-ſix thouſand [illegible] "That, in the year 1704, one thouſand five hundred and "ſixty-ſix ſeamen were wanting to make up the number of "thirty-five thouſand, who, with the five thouſand ma- "rines, ought to have been employed at ſea, to make up "the number of forty thouſand men provided for by par- "liament. That there were the laſt year ten flags in ſea- "pay, viz. three admirals, three vice-admirals, and four "rear-admirals, and that three of theſe were not in their "poſts. That Mr. Churchill, admiral of the blue, had "not been at ſea in any year of this war. That Mr. Gray- "don, vice-admiral of the blue, had been on ſhore all this "laſt year: And that Sir James Wiſhart, though a rear- "admiral, had been the laſt year captain to the admiral of "the fleet. That there were two vice-admirals of the red, "and two rear-admirals of the blue, but no vice-admiral "of the white; which, to their lordſhips, ſeemed to have "been very irregular, and to have been done in favour of "Mr. Graydon, to continue him in the ſervice, although "this houſe had voted, That his behaviour, in letting the "four French ſhips eſcape, was a prejudice to her ma- "jeſty's ſervice, and a great diſhonour to the nation; and "that his proceedings in Jamaica had been a great diſcou- "ragement to the inhabitants of that iſland, and prejudicial "to her majeſty's ſervice; and hereupon the lords had, on "the 29th of March laſt, made an humble addreſs to her "majeſty, that Mr. Graydon might not be employed any "more in her ſervice; but, having been acquainted, ſince "the report made to them [illegible] that Mr. "Graydon was diſcharged, they beſought her majeſty, that "he might be employed [illegible] After this, their lordſhips took notice of [illegible] "penſions, as appeared by the [illegible] "a penſion of three hun[illegible] to Sir "John Munden, though he had not done his duty in the "expedition to Corunna; whereas the penſion to admiral "Nevil's widow had not been paid for two years paſt; and "ſome officers of the fleet had been laid aſide, without any "penſion or conſideration, though no miſbehaviour had

"been

"been laid to their charge." They farther obſerved, 1704-5.
"That in the ordinary eſtimate of the navy, there was put
"down ſeven thouſand pounds for the prince's council, tho'
"they were only five in number in 1702, five in 1703,
"and ſix in 1704; and it did not appear, that more than
"one thouſand pounds a-piece had been paid to them: And
"that Mr. Churchill's appointments from the navy were,
"as prince's council, one thouſand pounds; for penſion,
"five hundred pounds; as admiral of the blue, one thou-
"ſand two hundred and ſeventy-ſeven pounds, ten ſhil-
"lings; and for table-money (though not at ſea) three
"hundred and ſixty-five pounds; in the whole, three thou-
"ſand one hundred and forty-two pounds, ten ſhillings."
They likewiſe repreſented, "That there was not a ſufficient
"number of proper ſhips for cruiſers and convoys;" and
they concluded, with "reſting aſſured, that her majeſty
"would conſider of the fitteſt methods, and give the moſt
"effectual orders for reſtoring and eſtabliſhing the diſcipline
"of the navy, the encouragement of ſeamen, the guarding
"of the coaſts, and the protection of trade." To this ad-
dreſs the queen made anſwer, "That it contained many
"obſervations, which ſhe would conſider particularly, and
"give ſuch directions upon them, as might be moſt for the
"advantage of the public ſervice."

A deſign was formed in this ſeſſion of parliament, but there was not ſtrength to carry it on at this time. The earl of Rocheſter gave an hint of it in the houſe of lords, by ſaying, that he had a motion of great conſequence to the ſecurity of the nation, which he would not make at this time, but would do it when next they ſhould meet together. He ſaid no more in the houſe, but in private diſcourſe he owned it was for bringing over the electoreſs of Hanover to live in England. It ſeemed not natural to believe, that a party, who had been all along backward at beſt, and cold in every ſtep which was made in ſettling the ſucceſſion in that family, ſhould become upon a ſudden ſuch converts, as to be zealous for it, and therefore it was not an unreaſonable jealouſy to ſuſpect, that ſomewhat lay hid under it. It was thought, that they either knew or apprehended, that this would not be acceptable to the queen; and they, being highly diſpleaſed with the meaſures ſhe took, went into this deſign both to vex her, and in hopes that a faction might ariſe out of it, which might breed a diſtraction in our councils, and ſome of them might hope thereby to revive the pretender's claim. They reckoned, that ſuch a motion would be popular

Deſign with relation to the Electoreſs of Hanover. Burnet.

1704-5. pular; and if either the court or the whigs, on whom the court was now beginning to look more favourably, ſhould oppoſe it, this would caſt a load on them, as men, who, after all the zeal they had expreſſed for that ſucceſſion, did now, upon the hopes of favour at court, throw it up: And thoſe, who had hitherto been conſidered as enemies of that houſe, might hope, by this motion, to overcome all the prejudices, which the nation had taken up againſt them; and they might create a merit to themſelves in the minds of that family, by this early zeal, which they reſolved now to expreſs for it. This was ſet on foot among all the party; but the more ſincere among them could not be prevailed on to act ſo falſe a part, though they were told, this was the likelieſt way to advance the pretender's intereſt.

The affair of the five Ailſbury men. Pr. H. C. Hiſt. of Europe. Burnet,

The laſt buſineſs of this ſeſſion, with which this parliament ended, was the caſe of the Ailſbury men. It has been related, what proceedings had been at law upon the election at Aileſbury. The judgment that the lords gave in this matter was executed, and, upon that, five others of the inhabitants brought their action againſt the conſtables, for refuſing their votes. The houſe of commons looked on this as a high contempt of their votes, and a breach of their privileges, to which they added a new, and till then, unheard-of crime, that it was contrary to the declaration they had made. At the ſame time they ſent their meſſage for theſe five men (namely, John Paty, John Oviat, John Paton, jun. Henry Baſſe, and Daniel Horn) and committed them to Newgate, where they lay three months priſoners. They were all the while well ſupplied, and much viſited, and therefore remained without making any application to the houſe of commons. It was not thought adviſable to move in ſuch a matter, till all the money-bills were paſſed; then motions were made, in the interval between the terms, upon the ſtatute of Habeas Corpus, but, that ſtatute relating only to commitments by the royal authority, this did not lie ve[illegible]

When the term came, a motion was made in the queen's bench upon the common law, in behalf of the priſoners, for a Habeas Corpus. The lawyers, who moved it, produced the commitment in which their offence was ſet forth, and ſhewed they had claimed the benefit of the laws in oppoſition to a vote of the houſe of commons to the contrary. They ſaid, the ſubjects were governed by the laws, which they ought and were bound to know, and not by votes of a houſe of parliament, which they were neither bound to know nor

to

obey (a) Three of the judges were of opinion, that the court could take no cognizance of the matter, and that the priſoners ought to be remanded; but the chief juſtice Holt was 1704-5.

(a) The pleadings of the lawyers more at large were as follows: Page, Montague, Lechmere, and Denton, were council for the priſoners; and after reading the return of the commitment, Mr. Page ſaid, "That "the writ of Habeas Corpus "was a writ grounded on com- "mon law, and therefore this "court can bail all perſons, "who by the law of England "are bailable. That he did "not ſay, but that the houſe "of commons hath privileges, "which belong to them, and "may commit for breach of ſuch "privileges: that he now only "enquired, if there be any law "for the commitment of the "priſoners; and therefore the "firſt queſtion he made, was, "If there was a breach of pri- "vilege returned? Adding, "that there being no notice in "the return, that the houſe of "commons has any privilege, "he need not argue, whether "they have a power, or not, "to reſtrain men from ſuing "in the queen's court." The lord chief juſtice Holt having told Mr. Page, that a queſtion was, If the were bound to take notice of their power, though not returned to that court? Mr. Page anſwered, that tho' the court would take notice of any power of the houſe, yet, that not appearing in the return, they could not judge of it, the commitment being by the ſpeaker, and not by the houſe. The lord chief juſtice replying, that the commitment was in purſuance of the order of the houſe, Mr. Page ſubjoined, that then it ſhould be ſhewn to be by the houſe, the ſpeaker being in the chair, which was mentioned in the commitment. But this was over-ruled by the lord chief juſtice, who ſaid, that by the houſe, was to be underſtood the whole houſe ſitting, with the ſpeaker in the chair. Mr. Montague continued the ſame objection to the commitment, adding, that it did not appear, that the priſoners were any ways related to the houſe of commons, either as members or officers: That, as to the lord Shaftſbury's caſe, he was a member: That he agreed every court muſt have power to keep order among themſelves; but that to take a man, out of the houſe, who was not of the houſe nor guilty of any breach of privilege, for aught appeared, by a return, he knew no law for it: That the cauſe aſſigned was, becauſe the priſoners had been guilty of bringing and preſenting an action, which he did not take to be a crime by any known law: That, in the caſe of the conſtable of Ailſbury, there was a judgment at law judicially given, which could not be got over, until ſome act of parliament interpoſed; and the law being ſo, that a man might bring his action, he did not know, what crime a man could be guilty of, who uſed this law:

1704-5. was of another mind. He thought a general warrant or commitment for breach of privilege, was of the nature of an execution; and, since the ground of commitment was specified in the warrant, he thought it plainly appeared, that the prisoners had been guilty of no offence, and that therefore they

That the words of his commitmitment went further, that bringing this action is contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges: That they did not know what this word declaration meant, neither did they understand what this breach of the jurisdiction was: That as to the words, against the known privileges of the house, he was at a loss what action is against the privilege of the house, because they can have no privilege against law, and he was sure it was not against law to bring any action. Then he took notice, that the commitment was during pleasure, adding, that he had known persons committed *per mandatum Domini Regis* bailed; and therefore by strong reason ought they to be bailed if committed by the house of commons. Mr. Lechmere inforced what had been alledged by the other two, adding, that one part of the commitment, which set forth the reasons of it, was for bringing an action at law, contrary to the declaration of the house of commons, in opposition to which declaration, he must alledge the declaration of the lords: That this commitment, being also said to be for a contempt of the high jurisdiction of the commons, the lords in the case of Ashsby and White had declared against it. He then urged, that no other court, save that of the lords, and the courts at Westminster, and other inferior courts of England, can execute any jurisdiction touching any actions at law; and that privileges, which are against the known laws of England, are in themselves void. Another objection or exception was, that the continuance of the imprisonment of the prisoners was a new commitment: That the *habeas corpus* is the way, which the queen takes to make disquisition about the liberty of her subjects: That, tho' both houses of parliament are proper judges of their own privileges, yet this court has formerly judged of their own privileges; to which purpose he instanced in the lord Shaftsbury's case, wherein notice is taken of a case, where an original was filed against a member sitting in the house; and that in the case of the lord Banbury, though the lords temporal and spiritual had declared he was no peer, yet in this court, where he was brought to be tried for murder, and denied the jurisdiction here, insisting upon the peerage, this court refused to try him, and allowed his plea. That the laws of parliament are the customs of parliament: That there is no precedent in parliament to commit a man for prosecuting for his freehold or franchise; but on the contrary he believed, that in

they ought to be discharged. Tho' Holt's judgment seemed clear and solid, yet, as he was but one against three, the majority prevailed, and the prisoners were remanded to Newgate (a). 1704-5.

Upon this Paty and Oviat, two of the prisoners, moved for a writ of error, to bring the matter before the lords. This writ was only to be obtained, by petitioning the queen, that the judgment of the court of the queen's bench might be brought before her majesty in parliament. The commons were alarmed at these petitions, and resolved upon an address to the queen, "setting forth the undoubted right and privilege of the commons of England in parliament assembled, "to commit, for breach of privilege; and that the commitments of this house are not examinable in any other "court

in the rolls of precedents there might be found a case, where bail had been allowed by this court upon a commitment of the house of commons. Mr. Denton excepted to the return of the commitment, alledging, 1. That the warrant did not sufficiently describe the crime. 2. That it did not appear that the party committed had notice of the vote or declaration of the house of commons, for every man is not bound to take notice of a vote, because it is but a temporary thing. 3. That it not appearing by this return, that the prisoner was a commoner, he might notwithstanding any thing that appeared to the contrary, be a lord; and then it [illegible]d, the commons had no jurisdiction. That if it had been a general commitment, without shewing the offence particularly, and said for a breach of privilege only, perhaps it had been a good commitment; but here the cause was set forth and it appeared by the judgment of the lords in the case of Ashby and White, that was no cause at all of commitment. That bailing the prisoners in this court did not meddle with the privileges of the house of commons, because, if bailed, yet they were answerable to the house, and are prisoners *in custodiâ legis*. That indeed justices of the peace can commit for a riot without bail; but this power arises from an express act of parliament for that purpose. That the queen herself cannot commit, so as to bind the power of the law; but this court can, in such cases, and always have, upon good causes shewn, bailed, notwithstanding such commitments.

(a) The judges delivered their opinions in the following manner: The youngest of them declared, that he thought the prisoners ought to be remanded, alledging, that it was the first *habeas corpus* of the kind, that ever was brought: That, if this return now before the court had been of a *habeas corpus* from an inferior court, it had been a bad return; but that the house of commons was superior,

1704-5. "court whatſoever; and that no ſuch writ of error was ever
"brought, nor doth any writ of error lie in this caſe. And
"that as this houſe had expreſſed their duty to her majeſty,
"in giving diſpatch to all the ſupplies; ſo they had an intire
"confidence in her majeſty's goodneſs and juſtice, that ſhe
"would not give leave for the bringing any writ of error
"in this caſe; which would tend to the overthrowing
"the undoubted rights and privileges of the commons
"of England."

Ten judges (two only being of another mind) agreed, that, in civil matters, a petition for a writ of error was a petition of right and not of grace. It was therefore thought a very ſtrange thing, which might have moſt pernicious conſequences, for a houſe of commons to deſire the queen, not to grant a petition of right, which was plainly a breach of law, and of her coronation-oath. It was no leſs ſtrange for them to

and could not be bound by the forms of Weſtminſter-hall, having peculiar laws and cuſtoms: Then when the earl of Northumberland petitioned the king, where the queſtion was, whether the power, that he had raiſed, was treaſon, which petition was ordered to be delivered to the juſtices to be conſidered, the lords made proteſtation, that the order thereof belonged to them, and they reſolved it not to be treaſon. That here was a parallel caſe; The houſe of commons had declared the priſoners guilty of a contempt; and how could this court contradict what had been determined by them, who are part of the legiſlature, and cannot be ſuppoſed to break their truſt? Judge Powis was of the ſame opinion as to the remanding of the priſoners, urging, that this caſe was not like that of the lord Shaftſbury! That as to the objection made by the council, that the priſoners were not members, he anſwered, that moſt commitments by the houſe of commons were of other perſons, not members, as for arreſting a member, ſitting the houſe, &c. otherwiſe they could not vindicate the breach of their privileges. As to what was objected that this commitment was during pleaſure, he replied, that it was more beneficial to have commitments ſo, that perſons ſo committed might, in the mean time, make application and ſubmit: And that the commitments of the houſe of commons were like the commitments of this court upon contempts, which always were underſtood not to be for any certain time, but during pleaſure. That it was likewiſe objected at the bar, that the commitment was for bringing an action; to which he anſwered, that privilege lies; and ſo it is in all actions brought againſt any ſervants of members ſitting the houſe. And as to the caſe of Aſhby and White, he did not think it to be the

ſame

to take upon them to affirm, that the writ did not lie, when 1704-5.
that was clearly the work of the judicature to declare, whether it lay or not, which was unqueſtionably the right of the lords, who only could determine that. Beſides, their having ſupplied the public occaſion, was a ſtrange conſideration to be offered to the queen, as an argument to perſuade her to act againſt law, as if they had pretended, that they had bribed her to infringe the law, and to deny juſtice ſince money, given for public ſervice, was given to the country and to themſelves, as properly as to the queen. Her anſwer to this addreſs was to this effect: "That ſhe was Feb. 26.
"much troubled to find the houſe of commons of opi-
"nion,

ſame with this caſe here. That he ſaw but two things of ſubſtance in this argument: The firſt, that, if this court, being an high court, and the higheſt of all inferior courts, can diſcharge any perſon committed *per mandatum Dominæ Reginæ*, ſurely then it may diſcharge one committed by the houſe of commons. To which he anſwered, that he took this to be a fallacy, becauſe the king is to act by his miniſtry and by his courts, and not by his abſolute will: That, according to lord Coke, though the king be preſumed to be preſent in this court, yet he doth act by his judges here, otherwiſe he might be a judge and party. And to the objection, "Whether the commons ſhould "by a declaration direct who "ſhould not be [illegible] that we muſt ſuppoſe they [illegible] general juriſdiction of privileges, and contempts, and rights, as well as other courts: That this commitment was not for a trial, but as upon an adjudication, and as a puniſhment. That, when they came to a point of juriſdiction, they muſt conſider it by uſage: That it is next to impoſſible for the courts of Weſtminſter-hall to judge of the privileges of the houſe of commons, who have not acceſs to their rolls, where only the privileges of that houſe are to be ſeen; and therefore it was very unreaſonable to put judges upon the inquiry. That if this court had a juriſdiction over the commitments of the commons, they ſhould have it alſo over thoſe of the lords: Concluding, that they were a great court, but that neither their anceſtors nor they ever yet knew it ſo great as this would make it. Judge Powel concured in this opinion, alledging, that he could not think they could be judges of this return, becauſe the priſoners were committed by another law than this court proceeded by; and that to commit by one law, and diſcharge by another, would introduce diſorder: That as the eccleſiaſtical, admiralty, and martial courts, and the houſe of peers proceed by their own rules, ſo the houſe of commons proceed by their own rules; this court can meddle with their privileges in ſome caſes, but not ſo as to contradict or oppoſe them: And that

he

1704-5. "nion, that her granting the writs of error, mentioned
"in their addreſs, was againſt their privileges, of which
"ſhe would always be as tender, as of her own prerogative.
"And therefore they might depend, ſhe would not do any
"thing to give them any juſt occaſion of complaint. But,
"this matter, relating to the courſe of judicial proceedings,
"being of the higheſt importance, ſhe thought it neceſſary
"to weigh and conſider very carefully, what might be pro-
"per for her to do, in a thing of ſo great concern." This anſwer was thought ſo cold, that no thanks were returned for it; tho' a well compoſed houſe of commons would certainly have thanked

he did not know how the houſe of commons could have a power of judging, and not of puniſhing. That this court can correct exceſſes of all inferior courts, but not of the parliament, which is ſuperior. That, ſuppoſing the lords would intermeddle with freeholds, though, perhaps, they are not leſs valuable than their privileges, yet this court could not prohibit them. That he believed it as cuſtomary to make commitments during pleaſure as otherwiſe. That, if we had a long parliament as formerly, then perhaps it would have been hard. That bondage was ſo much loſt in England, that he believed the council had almoſt forgot how to apply that argument. That he did not know how exceſs of juriſdiction in either houſe can be good. If it happens, it muſt be determined by conference between themſelves. That if it ſhould be ſuppoſed, that both ſhould inſiſt, and the commons ſhould do any thing unreaſonable, ſure then the people of England would not chuſe them again: And, if the lords ſhould inſiſt upon unreaſonable privileges, then the people of England, he believed, would find out a way to chuſe ſuch an houſe, or uſe ſuch methods, as would rectify and oblige to a ſubmiſſion. Theſe three judges having thus declared their ſentiments, "That the "priſoners ought to be remand-"ed," the lord chief juſtice Holt delivered his opinion, 'That they ought to be diſ-'charged. I am ſenſible, ſaid 'he, of the great diſadvantage 'I lie under, becauſe eleven of 'the judges are againſt my opi-'nion. The caſe being of 'moment and concern, I did 'deſire to confer with them, be-'fore I delivered my thoughts. 'And it is a ſecond diſadvan-'tage, that I have ſo great an 'eſteem for their ſentiments, 'that I would willingly reſign 'my opinion to theirs. But 'then I lie under another, 'which is to encounter an 'opinion [illegible] 'houſe of lords muſt confeſs, 'the commons of England are 'intruſted with, and are very 'zealous for our liberties; 'and therefore I would think 'it a misfortune to lie under 'their diſpleaſure. Yet there is 'another thing, which lies upon 'me, which, at all events, I 'am to take care of, and that 'is a good conſcience. I am 'upon

thanked her for that tender regard to law and juſtice. The ſame day the anſwer was reported by Mr. ſecretary Hedges, the commons proceeded to carry their reſentments to greater extremities, and having continued ſitting till the evening, voted, "That Mr. Francis Page, Mr. James Montague, "Mr. Nicholas Lechmere, and Mr. Alexander Denton, in "pleading upon the return of the Habeas Corpus, on be-"half of the five priſoners committed by this houſe, were "guilty of a breach of privilege;" and ordered them to be taken into cuſtody. As they were apprehenſive, leſt the queen ſhould grant writs of error, whereby the five Ailſbury men might be diſcharged from their impriſonment, they alſo 1704-5.

'upon my oath to judge impartially and juſtly. I do not think this ſuch an impriſonment, that the freemen and ſubjects of England are to be bound by; and it will affect all the kingdom, if, by any declaration or prohibition made by the houſe of commons, they are reſtrain'd from bringing a lawful action. Neither of the houſes of parliament, ſeparately or jointly, have any power to diſpoſe of the liberty or property of the ſubject. It muſt be, with the queen added. This is the conſtitution of the Engliſh government. It is ſaid in the return, that the priſoners are guilty of a breach of privilege for bringing an action. I muſt therefore declare my opinion, that [illegible] encing a ſuit is no breach of privilege, tho' it be againſt a member himſelf, ſo he be not affected in his perſon or lands. The ſecond crime mentioned in the commitment and return is proſecuting. What is meant thereby ſeems not to be ſo clear, becauſe proſecuting may be taken ſeveral ways, as entering of a continuance, which cannot be ſaid to be any breach of privilege, the perſon of the member, or his eſtate, not being diſturbed thereby. Indeed, if you diſtrain the perſon of a member, or do any act to reſtrain his liberty, then it is a breach, and puniſhable by the houſe. Again, the houſe of commons ſhould have ſhewn, that they have a privilege; for, if the high conſtable of England ſhould not ſhew his authority, we ſhould not take more notice of him than of the conſtable of St. Martin's. The law of the land muſt take place. A man may legally commence and proſecute an action againſt a man that is not privileged, tho' vexatious or wrong, as appears by 2 Rich. III. 9. where all the judges were of opinion, that there was no puniſhment for bringing an action, tho' wrong. If an action is ſued and proſecuted againſt a peer, no action de ſcandalis magnatum will lie, if there was any probable cauſe of action. I do not think that any inſtance can be ſhewn that

1704-5. alſo ordered them to be removed from Newgate, and taken into the cuſtody of their ſerjeant at arms; which order was executed at midnight, with ſuch circumſtances of ſeverity and terror, as have been ſeldom exerciſed towards the greateſt

' that ever privilege did extend ' ſo far, as to exclude or debar ' any man from bringing any ' action, but eſpecially where ' there is juſt cauſe. This caſe ' has undergone a great and ' high judgment above upon ' the queen's writ of error. My ' brother Powis ſays, that he ' does not know, that this is ' the ſame caſe with that of ' Aſhby and White. But if he ' will look upon the return, he ' will ſoon be ſatisfied, that it ' is. Another part of the return ' ſays, That the proſecution ' was contrary to the declara- ' tion, and in breach, &c. I do ' not well know, what is meant ' by a proſecution contrary to a ' declaration: But ſuppoſe there ' was a declaration, I much ' queſtion, if that declaration ' will make that a breach of ' privilege, which was not ſo ' before. There is no precedent ' for it; and, if any man can ' bring ſuch a precedent, it will ' go a great way with me. Pri- ' vilege is not unlimited, but ' eſtabliſhed by the rules of law. ' If a member break the peace, ' he muſt find ſureties; or, if he ' commit high treaſon or felony, ' ſitting the houſe, he muſt an- ' ſwer. If the declaration does ' claim a privilege, and ſays it ' is ſo; yet, if it was not ſo be- ' fore, the people of England ' are not eſtopped to ſay it is ſo; ' ſo neither the one houſe, nor ' the other, can inlarge their ' privileges. They concern the ' liberties of a people in a high ' degree; and nothing but an ' act of parliament can make a ' man's perſon ſubject to im- ' priſonment, but where origi- ' nally he was ſo ſubject. The ' reaſon why judges do not give ' their opinions to the lords a- ' bout their privileges is, be- ' cauſe it is lex parliamenti; ' and the lords themſelves be- ' ing always there, are preſumed ' to know their privileges beſt ' themſelves. But whenever the ' queſtion is about privilege in ' Weſtminſter-Hall, we muſt ' judge of it according as it ap- ' pears to us, and according to ' the law of the land. Suppoſe ' in this caſe the houſe of com- ' mons had not interpoſed; the ' plaintiffs had gone on, and the ' defendants had pleaded the ' whole matter of the privilege ' ſpecially, and the plaintiffs had ' demurred, we then ſhould ' have judged of it, becauſe it ' would have been a plea to the ' jurisdiction of the court. All ' appears upon record now be- ' fore the court, and therefore ' we [illegible] judge of it as much ' as if it had been pleaded. The ' parliament [illegible] privilege is ' lex terræ, as much as any law ' uſed in Weſtminſter-Hall, and ' my lord Clarendon gives us an ' account of privilege in the firſt ' volume of his hiſtory, p. 310, ' 311, 312. If it was privilege ' in the houſe before, then how ' comes it, that Aſhby was not ' committed, who was the ring- ' leader, but is ſtill at liberty? ' Another obſervation upon this ' return

eſt offenders. Theſe were ſuch ſtrange and unheard-of pro- 1704-5.
ceedings, that by them the minds of all people were much
alienated from the houſe of commons. But the priſoners
were under ſuch management, and ſo well ſupported, that
they would not ſubmit, nor aſk pardon of the houſe. It
was generally believed, that they were ſupplied and managed
by the lord Wharton. They petitioned the houſe of lords
for relief, who reſolved to proceed in the matter by ſure and
regular ſteps. They firſt came to the following general re- Feb. 27.
ſolutions: " 1. That neither houſe of parliament has any
" power, by any vote or declaration, to create to them-
" ſelves any new privilege, that is not warranted by the
" known laws and cuſtoms of parliament. 2. That every
" freeman of England, who apprehends himſelf to be in-
" jured, has a right to ſeek redreſs by action at law; and
" that the commencing and proſecuting an action at com-
" " mon

' return is, that they do not ſay
' for a breach, but in breach;
' neither do I ſee, how bringing
' an action at law in one court,
' is in contempt of another
' court. This court here can
' hold plea in any action what-
' ſoever. The houſe above
' cannot award proceſs there;
' and then I cannot ſee, how a
' man ſuing here can be guilty
' thereby of a breach of the pri-
' vileges of that court. Theſe
' words are terrible, and would
' affrighten men, when ſaid, In
' contempt of the privileges of
' the houſe of commons, be-
' cauſe every man is bound to
' maintain them in their lawful
' privileges. No doubt but they
' can commit in any caſe of
' privilege, as for a contempt
' committed in their court. But
' when the fact is mentioned,
' and the cauſe is a juſt action
' at law, no doubt but the pro-
' ceeding in ſuch action is juſt,
' and no contempt; ſuch an
' action being grounded on the
' common law. As to my lord
' Shaftſbury's caſe, it was for
' facts done in the houſe; and
' the houſe may at any time
' commit a man for a contempt
' in the face of the houſe:
' Whereas the priſoners are
' committed, not for a breach
' of privilege or contempt, but
' becauſe they have brought
' their actions, which are legal,
' and ſo adjudged by the lords
' in the writ of error. To con-
' clude, the caſe of the lord
' Banbury is conſiderable with
' me: He petitioned the houſe
' of lords to ſit, and alſo to
' have the king's leave. The
' lords determined he was not
' a lord; yet when he was
' brought upon an indictment,
' by the name of Charles
' Knowles, Eſq; he here plead-
' ed and inſiſted, that he was
' a peer; which plea was al-
' lowed, and he was not tri-
' ed." But notwithſtanding the
chief juſtice's opinion, the pri-
ſoners were remanded.

1704-5. "mon law againſt any perſon (not intitled to privilege of "parliament) is no breach of the privilege of parliament. "3. That the houſe of commons, in committing to New-"gate, Daniel Horne, Henry Baſs, John Paton, junior, "John Paty, and John Oviat, for commencing and pro-"ſecuting an action at the common law, againſt the con-"ſtables of Ailſbury, for not allowing their votes in elec-"tion of members to ſerve in parliament, upon pretence, "that their ſo doing was contrary to a declaration, a con-"tempt of the juriſdiction, and a breach of the privilege "of that houſe, have aſſumed to themſelves alone a legiſla-"tive authority, by pretending to attribute the force of a "law to their declaration; have claimed a juriſdiction not "warranted by the conſtitution, and have aſſumed a new "privilege, to which they can have no title by the laws and "cuſtoms of parliament, and have thereby, as far as in "them lies, ſubjected the rights of Engliſhmen, and the "freedom of their perſons, to the arbitrary votes of the "houſe of commons. 4. That every Engliſhman, who is "impriſoned by any authority whatſoever, has an undoubted "right, by his agents or friends, to apply for and obtain a "writ of Habeas Corpus, in order to procure his liberty by "due courſe of law. 5. That for the houſe of commons "to cenſure and puniſh any perſon, for aſſiſting a priſoner "to procure a writ of Habeas Corpus, or by vote, or other-"wiſe, to deter men from ſoliciting, proſecuting, or plead-"ing upon ſuch writ of Habeas Corpus in behalf of ſuch "priſoner, is an attempt of dangerous conſequence, a breach "of the many good ſtatutes provided for the liberty of the "ſubject, and of pernicious example, by denying the ne-"ceſſary aſſiſtance to the priſoner, upon a commitment of "the houſe of commons, which has ever been allowed upon "all commitments by any authority whatſoever. And, 6. "That a writ of error is not a writ of Grace, but of "Right, and ought not to be denied to the ſubject, when "duly applied for (though at the remedy of either houſe of "parliament) the denial thereof being an obſtruction of "juſtice, contrary to Magna Charta."

Feb. 28. Theſe reſolutions being delivered to the commons at a conference, they took time to conſider of them till the 7th of March, upon which day, at their deſire, a ſecond conference was held, wherein the commons delivered a long anſwer, in which they ſet forth, that the right of determining elections was lodged only with them; and that therefore they only could judge who had a right to elect: That they only

only were judges of their own privileges, and that the lords could not intermeddle in them. They quoted very copiously the proceedings in the year 1675, upon an appeal brought againſt a member of their houſe; and urged, that their priſoners ought only to apply to them for their liberty; and that no motion had ever been made for a writ of error in ſuch a caſe. 1704-5.

The lords, upon this, deſired a free conference, which was held with the commons on the 9th of March; but that it ended without ſucceſs, was not ſurprizing, conſidering the temper, with which the commons came to it, and which appeared from the votes they made the day before, after they had agreed to the free conference. For, upon information, that their ſerjeant at arms had been ſerved with two writs of Habeas Corpus, returnable before the lord keeper, in behalf of Mr. Montague and Mr. Denton, two of the gentlemen, who had been of council for the five priſoners, they came to theſe reſolutions, "That no commoner of England, committed by the houſe of commons for breach of privilege, or contempt of that houſe, ought to be by any writ of Habeas Corpus made to appear in any other place, or before any other judicature, during that ſeſſion of parliament, wherein ſuch perſon was ſo committed. That the ſerjeant at arms attending that houſe do make no return, nor yield any obedience to the ſaid writs of Habeas Corpus; and, for ſuch his refuſal, that he have the protection of the houſe of commons. And that the lord-keeper be acquainted with the ſaid reſolutions, to the end that the ſaid writs of Habeas Corpus might be ſuperſeded, as contrary to law, and the privilege of the houſe." Five days after, the commons ordered the report of the free conference, which was made by Mr. Bromley, to be entered upon their journals; and reſolved, "That the proceedings of the houſe, in relation to the Ailesbury men committed by the houſe for breach of privilege, and the other proceedings of that houſe in that matter, were in maintenance of the ancient and undoubted rights and privileges of the commons of England:" And they ordered all the proceedings in relation to the Ailſbury men, the report of the lords journals, and the report of the conferences, and of the free conference, to be printed. The next day, the lords attended the queen with a full repreſentation of the whole thing, wherein having recited the matter of fact relating to this affair, they laid before her, "That the proceedings of the houſe of commons againſt the Ailſbury March 13.

men

1704-5. "men were wholly new and unprecedented. That it is the "birth-right of every Engliſhman, who apprehends himſelf to be injured, to ſeek for redreſs in her majeſty's "courts of juſtice. That if there be any power, that can "controul this right, and can preſcribe when he ſhall, and "when he ſhall not, be allowed the benefit of the laws, "he ceaſes to be a freeman, and his liberty and property "are precarious. That the crown lays claim to no ſuch "power, and their lordſhips were ſure the law has truſted "no ſuch authority with any ſubjects whatſoever." They urged, "That in former times the opinion of the houſe of "commons was very different from what it was at preſent," of which their lordſhips gave ſeveral inſtances; and they concluded with an humble requeſt, "That no importunity "of the houſe of commons, or any other conſideration "whatſoever, might prevail with her majeſty to ſuffer a "ſtop to be put to the known courſe of juſtice, but that "ſhe would be pleaſed to give effectual orders for the immediate iſſuing of the writs of error."

This repreſentation was thought ſo well drawn, that ſome preferred it to thoſe of the former ſeſſions; it contained a long and clear deduction of the whole affair with great decency of ſtyle, but with many heavy reflections on the houſe of commons*.

* See Pr. H. L. II. 126.—144.

By this time the whole buſineſs of the ſeſſion was brought to a concluſion; for the lords, who had the money-bills, would not paſs them till this was ended. The queen, in anſwer to their repreſentation, told them, "That ſhe "ſhould have granted the writs of error, they deſired, but "that finding an abſolute neceſſity of putting an immediate "end to this ſeſſion, ſhe was ſenſible there could have been "no further proceedings upon that matter." This anſwer being reported to the houſe of lords, was looked on by them as a clear deciſion in their favour, and therefore they ordered, "That the humble thanks of this houſe be immediately preſented to her majeſty, for her moſt gracious "anſwer, in which ſhe had expreſſed ſo great a regard to "the judgment of their houſe, ſo much compaſſion to the "priſoners, and ſuch tenderneſs to the rights of the ſubject."

The Parliament is prorogued March 14.

About an hour after, the queen came to the houſe of lords, and, after paſſing the bills, ended the ſeſſion with the following ſpeech to both houſes:

My

1704-5.

My lords and gentlemen,

" I Cannot put an end to this ſeſſion, without doing you the juſtice to acknowledge you have fully made good the aſſurances you gave me at the beginning of it, by the great readineſs you have ſhewn in the diſpatch of the public buſineſs. And I make no doubt, but this diſpatch will prove a real advantage to us, and a great diſcouragement to our enemies.

The queen's ſpeech at the end of the firſt parliament. Pr. H. C. III. 441.

Gentlemen of the houſe of commons,

" I return you my hearty thanks in particular for the great ſupplies with which you have inabled me to carry on this neceſſary war. I aſſure you, they ſhall be carefully applied to the uſes, for which they have been given; and I perſuade myſelf, I ſhall always have the chearful aſſiſtance of my dutiful and loving ſubjects, in the proſecuting of the preſent war, till our enemies are obliged to ſuch a peace, as ſhall be a laſting advantage and ſecurity to us and our allies.

My lords and gentlemen,

" We have, by the bleſſing of God, a fair proſpect of this great and deſirable end, if we do not diſappoint it by our own unreaſonable humour and animoſity, the fatal effects of which we have ſo narrowly eſcaped in this ſeſſion, that it ought to be a ſufficient warning againſt any dangerous experiments for the future.

" I conclude therefore with exhorting you all to peace and union, which are always commendable, but more particularly neceſſary at this time, when, the whole kingdom being ſhortly to proceed to new elections, it ought to be the chief care of every body, eſpecially of ſuch as are in public ſtations, to carry themſelves with the greateſt prudence and moderation. Nothing will contribute more to our reputation abroad, and our ſecurity at home."

Then the lord-keeper, by her majeſty's command prorogued the parliament to Thurſday the 1ſt of May following.

The narrow eſcape intimated by the queen in her ſpeech, was univerſally underſtood to be meant of the tack, as indeed it could be meant of nothing elſe.

Thus this ſeſſion, and with it this parliament, came

1704-5. to an end. It was no ſmall bleſſing to the queen and to the nation, that they got ſo well out of ſuch hands. They had diſcovered on many occaſions, and very manifeſtly, what lay at the bottom with moſt of them; but they had not ſkill enough to know how to manage their advantages, and to make uſe of their numbers. The conſtant ſucceſſes, which had attended the queen's reign, put it out of their power to compaſs that which was aimed at by them, the forcing a peace, and conſequently the delivering up all to France. Sir Chriſtopher Muſgrave, the wiſeſt man of the party, died before the laſt ſeſſion; and by their conduct after his death it appeared, that they wanted his direction. He had been at the head of the oppoſition, that was made in the reign of king William from the beginning to the end; but he gave up many points of great importance in the critical minute, for which there were good grounds to believe, that he had twelve thouſand pounds from that king at different times. At his death he appeared to be much richer than by any viſible computation he could be valued at; which made ſome caſt an imputation upon his memory, as if he had received great ſums even from France.

Bills not paſſed. Burnet.

Before we take leave of this parliament, it will be proper to take notice of ſome things, which were begun, but not finiſhed in it. There was a bill offered for the naturalization of ſome hundreds of Frenchmen, to which the commons added a clauſe, diſabling the perſons ſo naturalized from voting in elections of parliament. The true reaſon of this was, that it was obſerved that the French in England gave in all elections their votes for thoſe, who were moſt zealous againſt France; and yet, with an apparent diſingenuity, ſome of the members gave it as a reaſon for ſuch a clauſe, that they muſt be ſuppoſed ſo partial to the intereſts of their own country, that it was not fit to give them any ſhare in the government. The lords looked on this as a new attempt, and the clauſe added was a plain contradiction to the body of the bill, which gave them all the rights of natural born ſubjects; while this took from them the chief of them all, the chuſing their repreſentatives in parliament. They would not therefore agree to it, and the commons reſolved not to depart from it; ſo that, without coming to a free conference, the bill fell with the ſeſſion.

Another bill was begun by the lords againſt the papiſts. It was occaſioned by ſeveral complaints brought from many parts of the kingdom, eſpecially from Cheſhire, of the practices and inſolence of thoſe of that religion. A bill therefore

fere was ordered to be brought in, with clauſes in it which would have made the act paſſed againſt them four years before, prove effectual, which, for want of theſe, had hitherto been of no effect at all. This paſſed the lords, and was ſent to the commons, who had no mind to paſs it, but, to avoid the ill effects of their refuſing ſuch a bill, they added a clauſe to it, (a), containing ſevere penalties on papiſts, who ſhould once take the oaths, and come into the communion of the church of England, if they ſhould be guilty of any occaſional conformity with popery afterwards. They imagined, that this of occaſional conformity was ſo odious to the lords, that every clauſe, that condemned it, would be rejected by them. But when they came to underſtand, that the lords were reſolved to agree to the clauſe, they would not put it to that hazard; and therefore the bill lay on their table till the prorogation. 1704-5.

A general ſelf-denying bill was offered by thoſe very men, who, in the firſt ſeſſion of parliament, when they hoped for places themſelves, had oppoſed the motion of ſuch a bill with great indignation. Now the ſcene was a little altered; they ſaw they were not like to be favourites, and therefore pretended to be patriots. This looked ſo ſtrangely in them, that it was rejected; but another bill of a more reſtrained nature paſſed, diſabling ſome officers, particularly thoſe who were concerned in the prize-office, from ſerving in parliament. To this a general clauſe was added, that diſabled all, who held any office, that had been created ſince the year 1684, or any officer that ſhould be created for the

(a) It was as follows: 'provided always, that all perſons, 'who by virtue of this act, ſhall 'be obliged to take the oaths 'of allegiance and ſupremacy, 'and ſubſcribe the declaration, 'ſhall, at the ſame time, declare 'himſelf to be a member of the 'church of England, as now 'by law eſtabliſhed; ſuch de- 'claration to be entered on the 'ſame roll, where the ſaid oaths 'and declarations, ſo to be 'taken and ſubſcribed, are to 'be entered. And in caſe any 'ſuch perſons ſhall, after their 'taking ſuch oaths, and making 'ſuch declarations, as aforeſaid, 'knowingly and willfully re- 'ſort to, or be preſent at any 'conventicle, aſſembly, or meeting, under colour or pretence 'of any exerciſe of religion, in 'other manner, than according 'to the liturgy and practice of 'the church of England, in 'any place within this king- 'dom, he ſhall forfeit the ſum 'of one hundred pounds, for 'every time he ſhall be preſent 'at ſuch aſſembly, conventicle, 'or meeting.'

1704-5. the future, from ſitting in parliament. This bill had a quick and eaſy paſſage among the commons, being brought in on the 16th of January, and ſent up to the lords on the 23d of that month, who did not think fit to agree to ſo general a clauſe, but conſented to a particular diſability put on ſome officers by name. The commons did not agree to this alteration, but inſiſted on the whole; and therefore the bill fell.

Among the many ways and expedients, by which the tory-party of the houſe of commons endeavoured to ſecure their intereſt againſt a new election, they thought it neceſſary to procure an act, whereby the commiſſions of the peace ſhould be lodged in the hands of men of eſtates; and thereupon a bill was brought in, and paſſed on the 2d of February, for qualification of juſtices of the peace; but the ſame being ſent up to the lords, they did not think fit to give it their concurrence.

1705. On the 5th of April, the parliament, according to the triennial act, being now expiring, a proclamation was iſſued out for diſſolving it; and, on the 23d, another was publiſhed for calling a new parliament (a).

The concluſion of the parliament ſet the whole nation in a general ferment; both parties ſtudied how to diſpoſe the minds of the people in the new elections, with great induſtry and zeal.

The affairs of Europe were now thought in ſuch a ſituation, that the war could not run beyond the period of the next parliament. A well-choſen one muſt prove a public bleſſing, not only to England, but to all Europe; as a bad one would be fatal at home, as well as to the allies abroad. France was now reduced to great exigencies. All methods of raiſing money were ſo much exhauſted, that they could afford no great ſupplies; ſo that, in imitation of our Exchequer bills, they began to give out Mint-bills; but they could not create that confidence, which is juſtly put in parliament-

(a) On the 10th of April, the queen, with his royal highneſs, went to New-market. Two days after Dr. Ellis, vice-chancellor of the univerſity, of Cambridge, waited on her, and deſired her to honour them with her preſence at dinner. The queen having accepted the invitation, was magnificently entertained in Trinity-college-hall. Eleven noblemen were made doctors of law, and Pellet, Arbuthnot, and Vernon doctors of phyſic. James Montague, council for the univerſity, the vice-chancellor, and the famous Iſaac Newton mathematical profeſſor, were knighted.

liamentary credit. The French had hopes from their party in England; and there was a disjointing in the several provinces of the United Provinces; but as long as England continued firm and united, it had a great influence on the States, at least to keep things intire during the war. It was visible, therefore, that a good election in England must give such a prospect for three years, as would have a great influence on all the affairs of Europe. 1705.

END of CHAP. I.

29612

THE HISTORY OF ENGLAND.

BOOK XXX. CHAP. II.

Proceedings in the convocation.—Promotions in the church—and in the ſtate.—Affairs of Ireland.—Of Scotland.—The duke of Marlborough marches to Triers.—Expects the prince of Baden, who fails him.—The French take Huy and Triers.—Their lines forc'd by the duke of Marlborough.—His attacking the French oppos'd by the Dutch.—Proceedings on the Rhine.—The emperor Leopold's death and character.—Affairs of Italy—of Spain and Portugal—in Catalonia and Valentia—in Hungary and Poland.—A parliament choſen in England.—The queen's ſpeech to her 2d parliament.—Addreſs about the union.—Debates about the next ſucceſſor.—A bill for a regency oppos'd.—Remarks on the proceedings of the tories.—Secret management in the houſe of commons.—Regency bill paſſes.—Complaints of the allies rejected.—Act againſt the Scots repeal'd.—Queen's ſpeech about the Spaniſh affairs.—Danger of the church enquired into.—The church declared to be out of danger by lords and commons.—Public credit very high.—Complaints of, and progreſs of popery.—Scheme for a public library.—Bills to regulate law proceedings.—Parliament prorogued, with a ſpeech.—Proceedings in the convocation.

1705. THE convocation ſat at the ſame time with the parliament: though it was then ſo little conſidered, that ſcarce any notice was taken of them; and they obſerved that no mention ſhould be made of them. As the houſe of commons thought fit, in their addreſs at the beginning of the ſeſſion, to put the ſucceſſes by ſea and land on a level, the lower houſe of convocation were reſolved to follow their example and would have the ſea and land both mention-

Proceedings in the convocation.

mentioned in the ſame terms; but the biſhops would not vary from the pattern ſet them by the houſe of lords; ſo no addreſs was made by the convocation. The lower-houſe continued to proceed with much indecent violence, and brought up injurious and reflecting addreſſes to the upper-houſe, which gave a very large exerciſe to the patience and forbearance of the archbiſhop and biſhops. On December 1, they preſented another repreſentation, ſignifying their grief at the general complaint of the clergy, that, though convocations had been held now for ſome years after a long diſcontinuance, yet the public had not hitherto reaped the benefits that might be expected: That this tended to diſparage the conſtitution of the church, and tempted ſome to ſpeak againſt the neceſſity and uſefulneſs of eccleſiaſtical ſynods. They promiſe, for time to come, to do what they can to ſilence that complaint: and intimate, that the fault did not lie in them that more had not been done. That the unhappy diſputes between the two houſes had been their hindrance, but that they neither raiſed them, nor omitted any means they could contrive for bringing them to a regular determination. They begged leave again to take notice of the many pernicious books that were publiſhed and diſperſed, and requeſted their lordſhips (as formerly) to uſe their intereſt in parliament for a bill to repreſs the licentiouſneſs of the preſs. They repreſented alſo the increaſing difficulties of the parochial clergy, about adminiſtring the holy ſacrament indifferently to all perſons that demand it, in order to qualify themſelves for offices; becauſe they ſaw not how they could in ſeveral caſes act comformably to the rubricks and canons of the church, in repelling ſuch perſons as were unworthy, and particularly notorious ſchiſmatics, without expoſing themſelves to vexatious and expenſive ſuits at law. They beg they would uſe their intereſts for the freeing them from theſe difficulties, and, in the mean time, give them directions how to behave themſelves under ſuch exigencies. The archbiſhop and biſhops made large remarks on this paper. They obſerve, that it was not directed to the preſident, whom they had endeavoured to deprive of his ancient title. They tell them, that it is they, who, by their unwarrantable claims and encroachments, made it impoſſible for the convocation to do the church any ſervice. That, ſhould their innovations run on, there would be a new danger of preſbytery; for preſbyters would be enabled hereafter to bid defiance to their eccleſiaſtical ſuperiors, and to act inde- 1705.

1705. pendently from them in the higheſt and moſt general concerns of the church. That it is ſtrange any of the clergy ſhould underſtand ſo little of the conſtitution, as to complain, that no buſineſs is finiſhed, when the royal licence has not enabled to begin any: Or, that they ſhould hope, that an attempt to do buſineſs, while this was wanting, could have any other effect than the increaſing differences. For that they would be ſtill running into irregular practices, againſt which their brethren would enter their proteſtations, and againſt which their lordſhips muſt find ſome other method of proceeding. That their lordſhips could not but look upon the ſeeming earneſtneſs of the clergy to proceed to buſineſs, as a deſign to render themſelves popular, and their ſuperiors odious: And that it was dangerous to thoſe whom they repreſented. That in 1689 the lower-houſe was for ſuperſeding all buſineſs, with a royal licence in their hands, &c. That there are laws and canons in being ſufficient to correct and puniſh offenders. That, if any thing hindered diſcipline, it was the reproaches induſtriouſly ſpread amongſt the clergy againſt the biſhops and their proceedings. That the preſent diſputes grew purely from the attempts of ſome of the clergy to diſengage themſelves from the authority of the biſhops, by privileges, which their predeceſſors never claimed nor pretended to, and therefore they were amazed at their ſolemn contrary declaration. The ſteps the biſhops had taken are reckoned up, by which they had teſtified their deſire of peace and good agreement. That the convocation has really no authority to paſs ſuch cenſures upon books as they deſired: That grievances of the clergy may be regularly offered by their repreſentatives in convocation. But that it is without precedent for presbyters to expect, that their metropolitan and biſhop ſhould be accountable to them for their conduct and behaviour in their ſeveral viſitations. And that, as concerning directions about their refuſal of the holy ſacrament to unworthy perſons, they could give them no better than the rubrics and canons of the church, which he, that would ſtrictly and religiouſly obſerve, could not be wanting, either in a dutiful regard to his ſuperiors, or in a conſcientious care of the flock. The lower-houſe ſent up two other papers, in one of which they complain of the diſſenting teachers preſuming to adminiſter baptiſm in private houſes, and of the increaſe of non-licenſed ſchools and ſeminaries; and in the other they accuſe the biſhop of Sarum of inſinuating, that many of the perſons, concerned in preparing their

their repreſentation of grievances laſt winter, were enemies to their lordſhips, the queen, and the nation *. 1705.

As the lower houſe ſtill held their intermediate ſeſſions, the archbiſhop, on February 14, aſked the prolocutor, if they had held any intermediate ſeſſions ſince the laſt ſynodical day: The prolocutor anſwered, they had held one the Monday before. The archbiſhop told him it was very irregular, and that he admoniſhed them to hold no more intermediate ſeſſions, which was a violation of the preſident's right, and contrary to the conſtant cuſtom of convocations.

February 23. The prolocutor told the archbiſhop, that their houſe had taken his admonition into conſideration; and repreſented in return, that they had not been guilty of any irregularity by their intermediate ſeſſion; that the holding ſuch ſeſſions, as oft as they ſhall ſee cauſe, is no violation of the preſident's right, nor contrary to the cuſtom of convocations, but an unqueſtionable right of the lower houſe, from which they could not depart. And that, if the admonition was intended as judicial, they proteſted againſt it as void and null, and of no effect in law, and to which no obedience can be due: And deſired, that this their anſwer and proteſtation (for which they were ready to aſſign their reaſons) might be entered in form by the regiſter in the acts of the day.

However this put a ſtop to their intermediate meetings, for they would not venture on the cenſures, that muſt in courſe follow, if no regard was had to the admonition. On March 15, at the final prorogation, the archbiſhop diſmiſſed them with a wiſe well-compoſed ſpeech. He told them, that, whereas they had brought up many complaints, the greateſt part of them did not require any anſwer, after ſo many former expreſſions of the judgments and reſolutions of the biſhops concerning them. That their paper, of December 1, was of ſo undutiful a nature, that it might juſtly be accounted an act of clemency in their lordſhips to paſs it by without cenſure: And yet they drew up obſervations upon it, and entered them in their regiſter, and they might be ſeen by any one that deſired it. That there is no ſuch thing as adjournments, in the language or practice of convocations; and that prorogations have been all along managed by commiſſaries, from the reſtoration to the revolution. That their repreſentation concerning unlicenſed ſchools

* Alluding to his charge at his triennial viſitation, 1704.

1705. ſchools and ſeminaries was a matter of law. That their former complaints againſt the biſhop of Sarum had not ſufficient ground. That, in what they now complained of, the biſhop referred to flying reports ſet about to the prejudice of the upper houſe, which they had all reaſon to complain of; though they prayed God to forgive the guilty, and pitied thoſe who were led away by wilful and perpetual miſrepreſentations. That their lordſhips would govern themſelves by the articles and rubricks, the canons and ſtatutes; and that they knew no way of retrieving the honour of convocations, but by the departing of the clergy of the lower-houſe from unwarrantable claims and innovations, and returning to the ancient canonical methods.

He added, that this convocation was near an end, and a new one would probably be ſummoned: And that, if new occaſion ſhould be offered, he ſhould think himſelf obliged to exert his authority, ſeeing no better fruit had been reaped from his paſt conduct, which ſome aſcribed to fear, and others to remiſſneſs. And he told them, he wiſhed, that the clergy of the next convocation might govern themſelves by the conſtitution as it is, and not as they would deſire it might be; that they might not divide in two that body of the convocation, which is but one; but prevent all irregularities, and thereby all cenſure, by meeting together with ſuch peaceable tempers and dutiful diſpoſitions, as became their function and order;

The governing men among the lower-houſe were headſtrong and factious, and deſigned to force themſelves into preferments by the noiſe they made, and by the ill humour that they endeavoured to ſpread among the clergy, who were generally ſoured, even with relation to the queen herſelf, beyond what could be imagined poſſible.

Promotions in the Church. Burnet.

Before the queen went to Cambridge, ſhe reſolved at laſt to fill the ſee of St. David's, which had now been long vacant. Dr. Bull was promoted to it, in the room of Dr. Watſon, deprived for his enormities (1). Bull had writ the moſt learned treatiſe the age had produced, of the doctrine

(1) Watſon's affair was debated this laſt ſeſſion in the houſe of lords, which the queen came to hear in perſon. His buſineſs had been kept long on foot in the courts below, by all the methods of delay that lawyers could invent: After five years pleading, the concluding judgment was given in the Exchequer, that he had no right to the temporalities of that biſhop-

trine of the primitive church, concerning the Trinity. This treatiſe had been ſo well received all Europe over, that, in an aſſembly general of the clergy of France, the biſhop of Meaux was deſired to write over to a correſpondent he had in London, that they had ſuch a ſenſe of the ſervice he had done their common faith, that upon it they ſent him their particular thanks: I read the letter, ſays Burnet, and ſo I can deliver it for a certain truth, how uncommon ſoever it may ſeem to be. The queen had, a little before this, promoted Dr. Beveridge to the ſee of St. Aſaph, who had ſhewed himſelf very learned in the eccleſiaſtical knowledge. They were both pious and devout men, but were now declining; both of them being old, and not like to hold out long. Soon after this, the ſee of Lincoln became vacant by that biſhop's death, and Dr. Wake (late archbiſhop of Canterbury) was promoted to it. He was a man eminently learned, an excellent writer, a good preacher, and, which is above all, a man of an exemplary life. 1705.

It was no ſmall mortification to the high-church party, that the duke of Buckingham was removed, and the privy-ſeal Alterations and promotions in the ſtate.

biſhoprick: And that, being affirmed in the Exchequer-chamber, it was now by a writ of error brought before the lords in the laſt reſort: But, as the houſe ſeemed now to be ſet, he had no mind to let it go to a final deciſion: So he delayed the aſſigning the errors of the judgment, till the days were lapſed, in which, according to a ſtanding order, errors ought to be aſſigned upon a writ of error, in default of which, the record was to be ſent back. He ſuffered the time to lapſe, though particular notice was ordered to be given him, on the laſt day, in which, according to the ſtanding order, he might have aſſigned his errors: And the houſe ſat that day ſome hours on purpoſe waiting for it. Some weeks after that, when the ſeſſion was ſo near an end, that he thought his cauſe could not be heard during the ſeſſion, and ſo muſt in courſe have been put off to another ſeſſion, he petitioned for leave to aſſign his errors: This was one of the moſt ſolemn orders, that related to the judicature of the lords, and had been the moſt conſtantly ſtood to: It was not therefore thought reaſonable to break through it, in favour of ſo bad a man, of whom they were all aſhamed, if parties could have any ſhame. He had affected, in every ſtep he had made, to ſeek out all poſſible delays, for keeping the ſee ſtill void, which, by reaſon of a bad biſhop, and a long vacancy, was fallen into great diſorder: Yet, after all this, he had ſtill by law the benefit of a writ of error, which he might bring in any ſubſequent ſeſſion of parliament. For which reaſon the queen reſolved to fill the ſee.

1705. ſeal given to the duke of Newcaſtle, whoſe intereſt was great with the whigs. About the ſame time, the earl of Peterborough and the lord Cholmondley were ſworn of the privy council. The lord Cutts was appointed to command the forces in Ireland under the duke of Ormond; but this ſeeming preferment was, in reality, a kind of diſgrace, for his lordſhip would gladly have changed this command for an equivalent in the ſervice abroad. The earl of Montague was created marquis of Mounthermer, and duke of Montague.

Before the operations of the campaign are related, it will be neceſſary to give an account of the proceedings in the parliaments of Scotland and Ireland.

The affairs of Ireland. Burnet. Hiſt. of Eur.

In Ireland, the new heat among the proteſtants there, raiſed in the earl of Rocheſter's time, and connived at, if not encouraged by the duke of Ormond, went on ſtill: A body of hot clergymen, ſent from England, began to form meetings in Dublin, and to have emiſſaries and a correſpondence over Ireland, on deſign to raiſe the ſame fury in the clergy of that kingdom againſt the diſſenters, that they had raiſed here in England: Whether this was only the effect of an unthinking and ill-governed heat among them, or if it was ſet on by foreign practices, was not yet viſible. It did certainly ſerve their ends, ſo that it was not to be doubted, that they were not wanting in their endeavours to keep it up, and to promote it, whether they were the original contrivers of it or not; for indeed hot men, not practiſed in affairs, are apt enough, of their own accord, to run into wild and unreaſonable extravaganees.

The parliament met at Dublin the 5th of March, and voted a hundred and fifty thouſand pounds for the ſupport of the neceſſary branches of the eſtabliſhment. A few days after, the lower houſe of convocation of the clergy of the church of Ireland being informed, That heads of a bill for the better improvement of the hempen and flaxen manufactures of that kingdom, were brought into the houſe of commons, wherein there was a clauſe to aſcertain the tithes
March 12. of hemp and flax: They preſented a memorial to the houſe of commons, deſiring, that the clauſe might not paſs in the bill, being, as they apprehended, very prejudicial to the rights and properties of the clergy of Ireland, with the care of which they were intruſted. This meſſage was ſigned by the prolocutor, and delivered by their actuary, who was a ſervant to the upper houſe of convocation. Upon the receipt of the memorial, the commons, inſtead of appointing

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a time for hearing their reaſons upon it, voted the perſon, 1705.
that brought it, guilty of a breach of the privilege of the houſe; and, ordering him to be taken into cuſtody, further reſolved, "That it appeared to them, that the convocation, "in pretending to have the care of the civil rights of the "clergy, were guilty of a contempt and breach of the pri- "vilege of that houſe." The commons expected, that the convocation ſhould make a ſubmiſſion, and acknowledge, "That they had nothing to do with the civil rights; and "that their meddling with thoſe rights was a contempt and "a breach of privilege." But, inſtead of that, the convocation ſent them a letter, wherein they juſtified their memorial, "as no ways incroaching upon the privileges of "the houſe of commons, and conſequently no breach of "privilege." Hereupon the commons voted, "That all "matters relating to the memorial ſhould be razed out of "the journals and books of convocation." Which being like to raiſe to greater heats, the duke of Ormond thought March 22.
proper to ſend a meſſage to both houſes, that they ſhould adjourn to the 1ſt of May enſuing; which was done accordingly.

During this adjournment, the duke made a progreſs into the North of Ireland; and, having taken ſome able engineers along with him, cauſed plans and ſchemes to be made, to increaſe the ſtrength of ſeveral fortified towns. He was received every where with great reſpect; and the preſbyterians, who had been miſrepreſented, upon account of ſome late tranſactions in Scotland, thought this a proper opportunity to clear themſelves of the aſperſions caſt upon them; and therefore, while the duke was at Antrim and Londonderry, ſome of the preſbyterian miniſters waited on him, and delivered to him very dutiful addreſſes. But that did not hinder the convocation from inveighing againſt them, in a reſolution paſſed by them ſoon after.

Upon the duke's return to Dublin, the parliament ſate again; and the houſe of commons, taking notice of the reſtleſs endeavours of the enemies of the public peace, to create diviſions among the proteſtants of that kingdom, to ſtrengthen the intereſt of the pretended prince of Wales, and obſtruct the ſucceſſion in the proteſtant line, came to the following unanimous reſolutions:

"I. That endeavouring to create or promote miſunder- March 25.
"ſtanding betwixt the proteſtants of this kingdom, tends to "the advantage of the papiſts, and the weakening of the "proteſtant intereſt, is ſeditious, and of dangerous conſe-

"quence

1705. "quence to her majeſty's government, and the ſucceſſion in "the proteſtant line as by law eſtabliſhed.

"II. That by writing or diſperſing pamphlets, or other-"wiſe to inſinuate danger to the eſtabliſhed church from the "ſucceſſion as by law eſtabliſhed, tends to promote popery, "and the intereſt of the pretended prince of Wales.

"III. That it is the indiſpenſable duty of all magiſtrates "in this kingdom to put the laws ſtrictly in execution, a-"gainſt all perſons who ſhall be guilty of ſuch pernicious "practices. (1)" Theſe vigorous reſolutions were chiefly owing to Mr. Moleſworth.

On the other hand, the convocation of the clergy, to clear themſelves from the aſperſion of being enemies to the proteſtant ſucceſſion, paſſed the following reſolutions: "1. "That this church and nation, having lately been in the "utmoſt danger of being over-run by popery and tyranny, "were happily delivered from both, by means of the late "revolution, brought about (under God's providence) by "his late majeſty king William III. of glorious memory. "2. That the continuance and improvement of the bleſ-"ſings,

(1) On the 1ſt of June, the attorney-general reported, from the committee appointed to conſider the ſtate of the nation, the following reſolutions, which were alſo unanimouſly agreed to by the houſe: 'I. That to ſuggeſt by words or writings, that 'the eſtabliſhed church is not 'well affected to the ſucceſſion 'of the crown in the proteſtant 'line, as ſettled by acts of parliament, or any way inclined to 'countenance popery, is a falſe 'and malicious aſperſion, and 'tends to create a dangerous 'diviſion amongſt the proteſtants, and to promote the deſigns of papiſts and traitors in 'favour of the pretended prince 'of Wales. II. That the erecting and continuing any ſeminary for the inſtruction and education of youth in principles contrary to the eſtabliſhed 'church and government, tends 'to create and perpetuate miſunderſtandings among proteſtants. III. That ſaying maſs, preaching or teaching 'in ſeparate congregations by 'perſons, who have not taken 'the oath of abjuration, and 'hearing, maintaining, and 'countenancing ſuch perſons, 'tends to deſeat the ſucceſſion 'of the crown in the proteſtant 'line, and to encourage and 'advance the intereſt of the 'pretended prince of Wales. 'IV. That all judges and magiſtrates are under the higheſt 'obligation to make the moſt 'diligent inquiry into all ſuch 'wicked practices; and, to their 'utmoſt, endeavour to diſcover 'and puniſh the authors of 'them; and ſuch, as wilfully 'neglect the ſame, ought to be 'looked upon as enemies to her 'majeſty's government and the 'proſperity of this kingdom.'

" ſings are due (next under God) to the auſpicious reign 1705.
" and happy government of her majeſty queen Anne,
" whom Almighty God long preſerve. 3. That the future
" ſecurity and preſervation of this church and nation de-
" pends wholly (under God) on the ſucceſſion of the crown,
" as it is now ſettled by law, in the proteſtant line. 4.
" That if any clergyman of this church ſhall either by
" word or writing declare any thing in oppoſition to the
" foregoing reſolutions (which we hope will never happen)
" we ſhall look upon him as a ſower of diviſions among the
" proteſtants of the eſtabliſhed church, and as an enemy to
" our conſtitution. And, after this public and ſolemn de-
" claration, we hope no perſon whatſoever will be ſo unjuſt
" and uncharitable, as to declare and inſinuate, that the
" clergy of the church of Ireland, as by law eſtabliſhed,
" were not intirely in their affections for the late king Wil-
" liam of glorious memory, or are not in the true intereſt
" of the preſent government; or that they are any way
" diſaffected to the ſucceſſion in the proteſtant line, as by
" law eſtabliſhed." But to theſe four reſolutions the con-
vocation added a fifth, levelled againſt the preſbyterians:
" That for any perſon to teach or preach againſt the doc-
" trine, government, rites, or ceremonies of this church;
" or to keep up and maintain ſchools and ſeminaries for the
" education of youth, in principles contrary to thoſe of the
" eſtabliſhed church, is a contempt of the eccleſiaſtical laws
" of this kingdom, is of pernicious conſequence, and ſerves
" only to continue and widen the unhappy ſchiſms and di-
" viſions in the nation."

Soon after theſe reſolutions and votes, the parliament was June 16.
prorogued to the 13th of June, 1706, and the duke of Ormond embarked for England, leaving the adminiſtration of the government of Ireland in the hands of Sir Richard Cox, lord-chancellor, and of the lord Cutts, commander in chief of the queen's forces, who were appointed lords juſtices during the duke's abſence.

A great change was now made in the miniſtry of Scot- The Af-
land. The Engliſh miniſtry, having with difficulty eſcaped fairs of
being attacked upon account of the act of ſecurity paſſed Scotland.
there, reſolved to uſe their utmoſt endeavours to get the Burnet.
proteſtant ſucceſſion ſettled there, or to procure an union of Lockhart.
the two kingdoms. The dukes of Argyle and Queenſberry Hiſt. of
took this opportunity to ſerve each other; and ſeverally to Eur.
repreſent to the whig lords, " That the marquis of Twee-
" dale and his party had been zealous promoters of the act
" of ſecurity: That they were ſo inſignificant and ſo deſpi-
" ſed

1705. "ſed through the whole nation, that they could do no-
"thing; but, granting they ſhould prevail, and carry the
"ſucceſſion with the limitations inſiſted on, of what dan-
"gerous conſequence muſt even that prove, ſince thereby a
"great part of the chief means England had to continue
"Scotland in dependence was removed, perhaps never to be
"recovered? That the duke of Queenſberry had been laid
"aſide for no crime, and no reaſon given, but what teſti-
"fied his firmneſs and reſolution in oppoſing every thing,
"that was diſagreeable and inconvenient to England. And
"that the duke of Argyle, being a young man, of a for-
"ward bold ſpirit, and lively natural parts, who had gained
"the leading of the preſbyterians, as his father had done
"before him, was therefore a proper perſon to be employed
"at this juncture." Theſe, and the like conſiderations, had the deſired effect with the whig lords, who prevailed with the queen and her miniſters to lay aſide the motley miniſtry of Scotland; and, accordingly, the marquis of Tweedale, the earls of Rothes, Roxburgh, and Selkirk, the lords Belhaven, Mr. Bailie of Jerviſwood, and Mr. Johnſton were removed; and the chief management of affairs was committed to the duke of Queenſberry, though with the bare title of lord privy-ſeal. At the ſame time the duke of Argyle was declared high-commiſſioner to the next parliament; the earl of Seafield reinſtated chancellor; the marquis of Annandale and the earl of Loudon made ſecretaries of ſtate; Sir James Murray of Philiphaugh regiſter; and all the privy-counſellors laid aſide by the laſt miniſtry (except Sir James Fowles of Collingtown, and Mr. Lockhart of Cornwarth) were reſtored.

The duke of Argyle's inſtructions were, that he ſhould endeavour to procure an act, ſettling the ſucceſſion as it was in England; or to ſet on foot a treaty for the union of the two kingdoms. When he came to Scotland, and laid his inſtructions before the reſt of the miniſters there, the marquis of Annandale preſſed, that they ſhould firſt try that, which was firſt named in the inſtructions; and he ſeemed confident, that, if all, who were in employments, would concur in it, they ſhould be able to carry it. Thoſe of another mind, who were in their hearts for the pretended prince of Wales, put this by with great zeal, alledging, they muſt not begin with that, which would meet with great oppoſition, and be perhaps rejected: Oppoſition would beget ſuch an union of parties, that, if they miſcarried in the one, they ſhould not be able to carry the other; therefore they thought,

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thought, that the firſt propoſition ſhould be for the union: Not only as it was a popular thing, but as it ſeemed to be remote: And conſequently, there would be a great oppoſition made to a general act about it. Thoſe who intended ſtill to oppoſe it, would reckon they ſhould find matter enough in the particulars to raiſe a great oppoſition, and to defeat it. This courſe was agreed on; at which the marquis of Annandale was ſo highly offended, that he concurred no more in the counſels of thoſe, who gave the other advice: Some ſincerely deſired the union, as that which would render the whole iſland happy. Others were in their hearts againſt it: They thought it was a plauſible ſtep which they believed would run by a long treaty into a courſe of ſome years: That, during that time, they ſhould be continued in their employments; and they ſeemed to think, it was impoſſible ſo to adjuſt all matters, as to frame ſuch a treaty, as would paſs in the parliaments of both kingdoms. The jacobites concurred all heartily in this. It kept the ſettling the ſucceſſion at a diſtance, and very few looked on the motion for the union as any thing but a pretence, to keep matters yet longer in ſuſpence. 1705.

At the opening of the ſeſſion of parliament, which met on the 28th of June, 1705, there appeared three different parties; the Cavaliers, or Anti-Revolutioners; the Squadrone, or Flying Squadron, conſiſting of diſcarded courtiers, who pretended to hold and turn the balance of the contending parties (1); and the preſent courtiers, who conſiſted of zealous preſbyterians and revolutioners. The cavaliers, headed by the duke of Hamilton, applied to the marquis of Tweedale and his party, the flying ſquadron, to perſuade them to unite again, to oppoſe the courtiers; but they poſitively refuſed to treat or concert meaſures with the cavaliers, reſenting the diſappointments they had met with the laſt year.

Many members being abſent at the opening of the ſeſſion, the lord-commiſſioner adjourned the parliament to the 3d of July, when being met again, the queen's letter to them was read, wherein her majeſty "recommended to them, "with the greateſt earneſtneſs, the ſettling the ſucceſſion "in

(1) The chief of the ſquadron, beſides the marquis of Tweedale, were the earls of Rothes, Roxburgh, Haddington, and Marchmont. They were in great credit, becauſe they had no viſible biaſs on their minds. Their number was between twenty and thirty. Burnet, II. 460.

1705. " in the proteſtant line; and, to prevent any objection to " the ſettlement, that could be ſuggeſted from the views or " fear of future inconveniencies, that might happen to " Scotland from thence, ſhe told them, ſhe ſhould be ready " to give the royal aſſent to ſuch proviſions and reſtrictions, " as ſhould be found neceſſary and reaſonable in ſuch a caſe. " That being fully ſatisfied, that great benefits would ariſe " to all her ſubjects by an union of Scotland and England; " and that nothing could contribute more to the compoſing " of differences, and extinguiſhing the heats raiſed and fo- " mented by the enemies of both nations, than the promot- " ing of every thing, that tended to the procuring the " ſame: Therefore ſhe earneſtly recommended to them to " paſs an act for a commiſſion, to ſet a treaty on foot be- " tween the two kingdoms, as her parliament of England " had done. Concluding with the uſual demand of the ne- " ceſſary ſupplies, and acquainting them with her choice of " the duke of Argyle to be her commiſſioner, whom ſhe had " fully impowered to declare her firm reſolution to maintain " the government both in church and ſtate, as by law " eſtabliſhed, and to conſent to ſuch further laws, as ſhould " be thought neceſſary for that end, for the better improv- " ing of trade and manufactures, and generally for the good " and advantage of the kingdom." The lord commiſſioner and the earl of Seafield, lord chancellor, in their reſpective ſpeeches, inferred the neceſſity of what was recommended in the queen's letter; and the ſame day was read another letter from the queen to the lord commiſſioner, appointing lord Archibald Campbel, his firſt couſin, to have the place and vote of lord high treaſurer, in this ſeſſion of parliament.

On the 6th of July, the marquis of Annandale preſented a propoſal, " That the parliament would go upon the con- " ſideration of ſuch limitations and conditions of govern- " ment, as ſhould be judged proper for the next ſucceſſor " in the proteſtant line; and that, at the ſame time, a " committee be appointed to conſider the condition of the " coin of the nation, and the ſtate of its commerce or trade, " as to export and import, and to prepare and bring in the " moſt proper remedies and regulations for that end." Hereupon the earl Mariſchal preſented a reſolve, " That " the houſe, previous to all other affairs, would make ſuch " regulations of the trade and coin of this kingdom, as " might be moſt for the advantage of the nation." Another reſolve was alſo preſented by the earl of Mar, " That the " houſe would, preferably to all other buſineſs, take into their " con-

" conſideration the nation's circumſtances, as to England, 1705.
" and how to enter into a treaty with them." This laſt being ſeconded by few, his lordſhip thought fit to withdraw it till another time; but the houſe fell into a debate of ſix hours upon the two firſt motions, and at laſt it came to the queſtion, whether to proceed firſt to the conſideration of coin and trade, or to that of limitations; and the firſt was carried. Then a ſecond queſtion was put, Whether the coin and trade ſhould be taken into conſideration by way of reſolve, which excluded all other buſineſs till that ſhould be determined, or by way of propoſal, which admitted of other buſineſs; and this was carried likewiſe by a great majority. It was the opinion of many, that the cavaliers made a wrong ſtep in poſtponing the more material affairs, and trifling away the beginning of the ſeſſion in matters of no importance; for, if they had immediately called for the queen's letter, in order to return an anſwer to it, the treaty with England would naturally have fallen under conſideration, and the duke of Queenſberry's friends not being yet gone off from them, they might have either rejected it, or at leaſt clogged it as they pleaſed, and choſen ſuch members as they thought fit to be commiſſioners. Whatever ground there may have been for this conjecture, it is certain, that the three next,* and many other ſederunts or ſittings were ſpent in the conſideration of trade; in relation to which ſeveral overtures or propoſals were laid before the houſe, ſome of which paſſed into laws, and the others were rejected. Amongſt the reſt, there were two propoſals made for ſupplying the nation with money by a paper-credit. The firſt was offered by Dr. Hugh Chamberlaine, whoſe project by a land-bank had, ſome years before, miſcarried in England, and reduced him ſo low, that he was obliged to fly from his creditors into Scotland. The other was propoſed by John Law, the ſon of a goldſmith in Edinburgh, a man of ſubtle parts, who, having ſquandered away his ſmall fortune, was forced to live by gaming, but who, being an agreeable debauchee, found the way to ingratiate himſelf with the duke of Argyle, and the leaders of the flying ſquadron. Upon the confidence of their ſupport, he preſented a very plauſible ſcheme, which was readily eſpouſed by all the courtiers, and many of the flying ſquadron, becauſe it was ſo framed that, in proceſs of time, it would have brought all the eſtates of the kingdom to depend upon the government. But the houſe rejected the propoſal, and came to a reſolution, " That the

* July 10, 12, 13.

1705. "eſtabliſhing any kind of paper-credit, ſo as to make bills "paſs for current coin, was an improper expedient." A council was likewiſe appointed, with power to put the laws relating thereto into execution; and it was recommended to them to bring the export and import of the nation to a balance, and lay the ſame before the houſe next ſeſſion.

Before this act was brought to perfection, the cavaliers made all poſſible efforts to prevent the ſettling of the ſucceſſion, for which purpoſe the duke of Hamilton, on the 17th of July, preſented the following reſolve, "That this par-"liament will not proceed to the nomination of a ſucceſſor, "till they have had a previous treaty with England in rela-"tion to commerce, and other concerns with that nation." And further, "That this parliament will proceed to make "ſuch limitations and conditions of government for the "rectification of the conſtitution, as may ſecure the liberty, "religion, and independency of this kingdom, before they "proceed to the nomination of a ſucceſſor." The court, and moſt of the flying ſquadron, united againſt this reſolve; but the cavaliers inſiſted vigorouſly upon it, and, by the aſſiſtance of ſome of the duke of Queenſberry's friends, carried it by a great majority. Upon this occaſion the lord Belhaven made a long ſpeech, (a) which had ſuch an effect, that,

(a) The ſpeech was as follows:

My lord chancellor,

'By what experience I have 'had in this world, I always 'found, that when diviſions 'are once come to that conſiſt-'ency, as to form themſelves 'in factions upon different mea-'ſures and oppoſite deſigns, 'that then reaſon and reaſon-'ing make but a very ſmall 'impreſſion upon either of the 'parties. Therefore I ſhall 'not enter into the merits of 'this reſolve, nor of its expe-'diency or unexpediency at this 'time, that I may not give the 'leaſt riſe to debate, or occa-'ſion of miſunderſtanding a-'mongſt ourſelves. What I 'ſhall ſay on this head, is to 'advance this poſition, viz. 'That there is more danger to 'our nation, and national con-'cerns by diviſions and fac-'tions, than by any miſtakes 'in fit and adequate meaſures, 'if they be unanimouſly gone 'upon.

'A wrong meaſure, eſpeci-'ally in reſolutions, may be 'rectified and redreſſed, when 'we come to a fuller view of 'the affair. And, tho' ſome-'times they prove unſucceſsful, 'yet unanimity endures a ſhock 'with firmneſs; but diviſions 'and factions increaſe and mul-'tiply, and that from very 'ſmall beginnings, ſo as to 'render all perſuaſions abor-'tive; and that more eſpeci-'ally amongſt men of honour, 'who, as they are generally 'more grateful, conſtant, and firm

that, after ſome debate, the duke of Hamilton's reſolve was approved. On the 20th of July, the parliament met again, and read the draught of a letter preſented by the marquis of Tweedale, in anſwer to her majeſty's letter to the parliament; 1705.

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'firm to their words and parties, ſo upon diſappointments 'they are more prone to reſentment and revenge, the 'moſt dangerous of all paſſions, 'and the moſt fatal to the very 'being of nations.

'What I plead for, my lord, 'at this time, is unity. Would 'you have limitations? Go upon them unanimouſly. Would 'you have a treaty? Do the 'like. Would you ſettle the 'ſucceſſion upon limitations 'without a treaty? Would you 'ſettle the ſucceſſion on treaty 'without limitations? Would 'you have neither done at this 'time? In ſhort, whatever you 'would have done, let it be 'done nemine contradicente, 'and it will not want its own 'weight; for I am perſuaded, 'that, whatever reſolution this 'honourable houſe ſhall come 'to, a wrong meaſure is preferable to a good one, if 'there be unanimity in the one, 'and faction at the bottom of 'the other.

'My lords, I could bring in 'inſtances from the hiſtories of 'Europe, to confirm what I 'have ſaid, and from none 'more than that of our neighbours, the States of Holland, 'whoſe unity has raiſed them 'to the grandeur and riches 'they are poſſeſſed of at this 'day. They wanted not wrong 'meaſures and unſucceſsful attempts; but their unanimous 'firmneſs in the vindication of 'their liberty hath made good 'the verity of their motto, '*Concordiâ res parvæ creſcunt.*

'But, waving what is foreign, I ſhall confine myſelf 'to our own hiſtories, and by 'four examples I ſhall make it 'evidently appear, that our 'predeceſſors, when in good 'underſtanding amongſt themſelves, were always in a condition to defend their rights 'and liberties againſt the Engliſh, and that they never did 'prevail over us, ſave when 'we were divided and broke 'by factions.

'The firſt inſtance is of that 'famous controverſy about the 'right of ſucceſſion of Alexander the third. The ſtory 'is ſo well known, that I ſhall 'not give this honourable houſe 'the trouble of hearing it repeated, but ſhall only ſay, 'we divided upon it. What 'followed upon that? The 'king of England gave us a 'king. What was the conſequence of that? Both of us 'paid very dear for it. For, 'as the hiſtorians of both nations tell us, there followed 'upon it the longeſt and moſt 'bloody war that ever was 'betwixt two nations. Then, 'and not before, could it be 'ſaid, That England had any 'pretence of homage —— us.

'Pray, my lord, had it not 'been better that our predeceſſors had of themſelves choſen the worſt of competitors, 'yea the worſt men of the nation by a general conſent,

'rather

1705. ment; as alſo a draught of an act for a treaty with England, preſented by the earl of Mar; another draught of an act for a treaty with England, preſented by the marquis of Lothian; a draught of an act concerning the way of chuſing officers of

'rather than to have ſuſtained 'thoſe calamities which fol-'lowed on that diviſion?

'The other time, my lord, 'that we groaned under Eng-'liſh bondage, was by Crom-'well, who knew as well how 'to divide, as how to fight. 'We had called home king 'Charles the ſecond, as ſuc-'ceſſor to his father. Crom-'well enters Scotland with an 'army, and prevails. What 'was the reaſon of it? Was 'his army comparable to ours 'in number? He knew very 'well king Charles the firſt, 'his maſter, had come upon 'us with a far better army, 'and we leſs prepared, and 'leſs accuſtomed to war; and 'yet, though ſword in hand, 'he was neceſſitated to give us 'a valuable treaty at the Birks. 'He knew very well, that we 'had the remains of that gal-'lant army, which had procu-'red us ſo good conditions at 'the treaty of Rippon, and 'who afterwards had raiſed the 'parliamentary power above 'that of their ſovereign. He 'knew, that we had the brave 'troops that had preſerved the 'north of Ireland from the 'Iriſh rebels. Whence then 'came all thoſe hopes of Oli-'ver? It came, my lords, from 'our diviſions: we were united 'in thoſe former times, and 'broken then. In ſhort, we 'had the Hamiltons, Grahams, 'and Campbells, each driving 'on oppoſite deſigns. Nay, 'my lord, faction was come 'to that height of enthuſiaſm, 'that when we came to fight 'Cromwell at Dunbar, we 'would not fight but as Gideon 'did the Midianites, although 'we had no ſuch warrant for 'it. I pray God, my lord, 'things come not to ſuch an 'height now, eſpecially when 'we, as they, mind more, who 'ſhall do ſuch and ſuch things, 'than what things are fitteſt to 'be done; ſo that every com-'miſſioner now muſt have the 'board ſwept clean, before he 'undertakes the queen's buſi-'neſs. I ſpeak not this, my 'lord, out of any reſentment 'I have, by being lately turned 'out of a poſt, I profeſs I have 'not the leaſt reſentment upon 'it. Why ſhould not the 'queen employ what ſervants 'ſhe thinks fit? But I ſpeak of 'it, becauſe I am afraid it 'proves a ſeed to faction, it 'having proved ſo prolific al-'ready, as to have two crops 'in one year, though in this 'northern climate.

'The two inſtances, where 'our unity preſerved us from 'the fatal conſequences of war 'with England, are thoſe of 'king David and king James 'the firſt, after we had reco-'vered under the conduct of 'the noble Bruce, who had 'forced the grand-child, by a 'moſt ſolemn renunciation, to 'yield up the claim of homage, 'unjuſtly impoſed by the father 'upon us. Two unhappy ac-'cidents

of ſtate, privy-counſellors, and members of the Exchequer and Treaſury, in caſe of her majeſty's deceaſe, without heirs of her body to ſucceed, preſented by the earl of Rothes; and ſome other draughts of acts relating to trade: all which were ordered to be printed. 1705.

'cidents put theſe two kings 'in the hands of the Engliſh. 'Did they let go the opportu-'nities to trump up their claim 'of homage? No, my lord. 'What hindered them to pro-'ceed further? king David had 'loſt a conſiderable battle, was 'there made priſoner himſelf, 'many of the nobility killed 'and taken, England ſucceſs-'ful againſt France at the ſame 'time, and their king priſoner 'in England. King James the 'firſt was their priſoner, being 'forced to fly from the unjuſt 'deſigns of his uncle Robert, 'and as unjuſtly made priſoner 'by them. Theſe occaſions, 'my lord, did appear favour-'able enough for England to 'make uſe of; but our firm 'unanimity put a ſtop to their 'deſigns. We declared we 'would not obey our kings as 'long as they were under Eng-'liſh power and influence; 'and ſo both our armies in 'France and peers in Scot-'land, refuſed their oaths, as 'long as they were in England, 'looking upon them not as 'their king's commands, but 'the commands of an enemy. 'And thus we were preſerved, 'and our kings delivered to us 'upon ranſom.

'My lord, I have obſerved, 'that England never let go any 'opportunity, neither before 'nor ſince the union of the 'two crowns, to bring us un-'der their power; and I am 'perſuaded, that the heats and 'animoſities amongſt us theſe 'ſeveral ſeſſions of parliament 'have, amongſt other things, 'occaſioned that threatening 'and unaccountable act of par-'liament, wherein they charac-'teriſe our miniſters, and cri-'ticiſe our acts; as it hath alſo 'given birth to thoſe con-'temptible and ignorant pam-'phlets, publiſhed of late a-'gainſt the ſovereignty and in-'dependency of our nation. 'Will you prevent the conſe-'quences of what is deſigned 'againſt us? Be as united as 'they in your actings againſt 'them. Did whig and tory 'differ about us? No, my lord: 'the two houſes, though in 'civil war among themſelves, 'did vie with one another, 'which of them ſhould have 'the honour to give us the 'ſharpeſt and ſevereſt blow.

'To conclude, would you 'quench the fire that appears 'to be raiſed againſt us in Eng-'land? Would you have a 'ſucceſsful treaty and good li-'mitations? Be unanimous; 'and, I hope, the caſe is not 'as yet ſo deſperate, but what 'our predeceſſors have found, 'we may yet find the like.

'It may be aſked, my lord, 'how ſhall we be unanimous, 'and who ſhall yield? I think 'providence has made that very 'eaſy with relation to this re-'ſolve. For ſuppoſe ſome be 'for limitations, that are not

'for

1705. On the 23d of July the duke of Queenſberry arrived at Edinburgh, where he made a public entry with greater ſplendor and magnificence, and was received with greater demonſtrations of joy, than the three times he had been commiſſioner. The next day he went to parliament, where the draught of a letter, in anſwer to the queen's, was read, intimating "the parliament's readineſs to eſtabliſh the ſame "ſucceſſor with England; begging her majeſty would grant "them ſuch limitations to her ſucceſſors, as were neceſſary "for that purpoſe; and aſſuring her, that, if this was once "done, they would chearfully ſet about the work." But a motion being made, that, preferably to that letter, the houſe ſhould take into conſideration acts relating to trade, the ſame was agreed to.

This

'for a treaty; and others for 'a treaty, that are not for limitations; and that thoſe 'who are againſt a treaty, are 'againſt it becauſe they do not 'expect reaſonable and good 'conditions *from* England; 'and that thoſe who are againſt 'limitations, are againſt them 'becauſe they would prove of 'no long continuance, and 'conſequently look upon them 'only as an amuſement to bring 'us to the Engliſh ſucceſſion. 'There is no reaſon, my lord, 'in all this, why both parties 'ſhould not agree in the reſolve: for, ſuppoſe all thoſe 'ſuppoſitions ſhould prove true, 'ſhall we then be in any worſe 'condition than we are at preſent? Shall it be ſaid, we 'will not ſo much as reſolve to 'treat with England; or that 'limitations, which are in our 'power both to make and to 'keep, ſhall be looked upon 'by us as things impracticable, 'and of no duration? No, my 'lord, we have a gracious 'queen that will aſſiſt us in 'both, and who, in her gracious letter, ſeems to deſire 'both.

'I do conſider England, with 'relation to the ſucceſſion of 'Britain, as ſo many fiſhes incloſed in a large ſtrong net. 'They have room to ſwim, 'toſs, and tumble; but, as 'long as the fiſherman keeps 'his hold, they cannot break 'through. I believe by this 'time they are ſenſible, that 'the ſucceſſion to the two kingdoms in Britain ought not to 'have been deſigned, much 'leſs ſettled, without acquainting one part of Britain with 'the deſign, and that one part 'independent upon the other. 'Therefore if we be united, 'and keep our hold, and make 'no unreaſonable demand, either of limitations from our 'queen, or conditions from 'England, but merely ſuch as 'the neceſſity of the nation 'requires; I hope, by the 'bleſſing of God upon our juſt 'endeavours, and the cordial 'ſupport of our excellent ſovereign, that we ſhall have all 'our deſires granted, and a

'good

This being over, the cavaliers inclined to proceed upon the limitations, propoſing thereby, in the firſt place, to obſtruct the eſtabliſhment of the ſucceſſion, in caſe the projected treaty ſhould fail; for they knew the court would not grant them the royal aſſent, and that the ſucceſſion would then miſcarry. In the next place, to lay all the reſtraints poſſible on the monarch, in caſe the houſe of Hanover ſhould come to the crown. And laſtly, to ingratiate themſelves with the people, who thought themſelves oppreſſed by England, and were extremely fond of every thing, that ſeemed to free them from it. A motion being made on the 31ſt of July, to grant the firſt reading to an act of commiſſion for a treaty with England, the duke of Hamilton, in oppoſition thereto, moved, that the houſe would proceed to the enacting the limitations; and, a vote being ſtated in theſe terms, Proceed to conſider the act for a treaty, or limitations, the latter was carried. In the next ſederunt, on the 2d of Auguſt, ſeveral acts for that purpoſe were preſented; the moſt conſiderable of which was, an act for regulating the chuſing the officers of ſtate, enacting, "That "from and after her majeſty's deceaſe, without heirs of her "body, all officers of ſtate, and privy-counſellors, and "lords of ſeſſion, ſhould be choſen and appointed by the "parliament; and in caſe of the deceaſe of any of them, "during the vacancy of parliament, the office to be ſup-"plied by one nominated by the council, who ſhould con-"tinue in the ſame till next ſeſſion of parliament: and that "all the officers of ſtate and privy-counſellors ſhould be ac-

1705.

"countable

'good underſtanding betwixt 'the two nations promoted, 'not for this time only, but 'for ever: which, if they do 'ſlight at this time, I dare 'pretend to propheſy, that the 'time will come, when they 'will give with leſs ceremony.

'Thus, my lord, I have 'frankly told you my mind, 'and that with all deference 'and ſubmiſſion to this honour-'able houſe; and though I do 'not pretend to the thanks of 'this parliament, as the lord 'Haverſham had of the houſe 'of lords, yet I will not yield 'to his lordſhip, as to my in-'tegrity and ſincere concern 'for the commonwealth of 'Britain. And in one thing, 'I think, I have the advan-'tage, that what I have ſaid 'tends to the compoſing of 'differences, firſt, among our-'ſelves, and then betwixt our 'neighbouring nations and us. 'Whereas his lordſhip's ſpeech, 'if I be not as much miſtaken 'as his lordſhip was at the 'time he ſpoke it, tends di-'rectly the quite contrary way. 'Therefore I am for the re-'ſolve, and for the beginning 'with the limitations.'

1705. "countable to the parliament." The court offered, on the 16th of Auguſt, a clauſe, giving the power of chuſing officers of ſtate (which by this act was ſolely lodged in parliament) to the king, with conſent of parliament, which was carried in the negative; as was alſo a motion, that there ſhould be three preſidents of the ſeſſion, to preſide by turns each two months. On the 22d, the whole act was approved, and the next day an act for a triennial parliament was read in theſe terms: "Our ſovereign lady, being willing to reſtore to her ancient kingdom their ancient cuſtom "and right to frequency of parliaments, does therefore, "with the advice and conſent of parliament, ſtatute and "ordain, That there ſhall be a new parliament called and "indicted, to meet, ſit, and act; and that once every third "year after the 1ſt of Auguſt in the year. And her ma"jeſty does hereby declare, with conſent aforeſaid, that "this preſent parliament ſhall not continue and endure any "longer than the 1ſt of Auguſt aforeſaid; and this, with"out prejudice of her majeſty and ſucceſſors royal preroga"tive and power to diſſolve parliaments ſooner than the ſaid "term of three years, as ſhall be thought fit. And fur"ther, with the advice aforeſaid, ſtatutes and ordains, "that, from and after the 1ſt day of Auguſt aforeſaid, no "farmer or collector of her majeſty's cuſtoms or exciſe, or "any other branch of her majeſty's revenue, ſhall be capa"ble to be a member of parliament, nor to ſit and vote "therein after the date aforeſaid; and it ſhall be a ſufficient "objection againſt any member, that he is concerned, di"rectly or indirectly, as a farmer or collector, in any part "of her majeſty's revenue, to remove him from his place "and vote in parliament." The courtiers ſaw it was to no purpoſe to oppoſe this act; and, being afraid of a new parliament, they only propoſed, that this act ſhould not take place during her majeſty's life. The cavaliers, on the other hand, inſiſted, that it ſhould commence immediately; but many members, who doubted their own intereſt to be elected anew, propoſed a medium betwixt the two, that it ſhould take place three years after the date, that is, the 1ſt of Auguſt 1708; with which, as the leaſt of the two evils, the courtiers joined and carried it, and ſo the whole act was approved. Another act ordaining, that the Scots ambaſſadors, repreſenting Scotland, ſhould be preſent, when the ſovereign had occaſion to treat with foreign princes and ſtates, and accountable to the parliament of Scotland, was alſo approved: but ſeveral other overtures were made, that

that never were ingroſſed into acts. Nor did the above-mentioned act, obtain the royal aſſent, though the court promiſed it often to many of the members, and thereby kept them in good humour, while the act for a treaty was framing, they thinking themſelves in a tolerable good ſtate by thoſe acts of limitation, and never imagining, that the treaty would terminate as it did. But Fletcher of Salton, having, in a long diſcourſe, ſet forth the deplorable ſtate to which the Scots nation was reduced by being ſubjected to Engliſh counſels and meaſures, while the ſame perſon was king of both kingdoms, concluded, that thoſe acts were not ſufficient, and therefore preſented a ſcheme of limitations, which he propoſed to be ingroſſed into an act, and taken into conſideration; "I. That elections ſhould be made at "every Michaelmas head-court for a new parliament every "year, to ſit the 1ſt of November next following, and "adjourn themſelves from time to time till next Michaelmas. "That they chuſe their own preſident, and that every thing "be determined by balloting in place of voting. II. That "ſo many leſſer barons ſhould be added to the parliament, "as there had been noblemen created ſince the laſt augmen-"tation of the number of barons: and that in all time "coming, for every nobleman that ſhould be created, there "ſhould be a baron added to the parliament. III. That no "man ſhould have a vote in parliament, but a nobleman, "or elected member. IV. That the king ſhould give the "royal aſſent to all the laws offered by the eſtates; and "that the preſident of the parliament be impowered by his "majeſty to give the royal aſſent in his abſence, and have "ten pounds ſterling a day ſalary. V. That a committee "of thirty-one members, of which nine be a quorum, "choſen out of their number by every parliament under "the king, ſhould have the adminiſtration of the govern-"ment, be his council, and accountable to the parliament, "with power, on extraordinary occaſions, to call the par-"liament together: and that, in the ſaid council, all things "be determined by balloting, inſtead of voting. VI. That "the king, without conſent of the parliament, ſhould not "have the power of making peace and war, or of con-"cluding any treaty with any other ſtate or potentate. "VII. That all places and offices, both civil and military, "and all penſions formerly conferred by the crown, ſhould "ever after be given by parliament. VIII. That no regi-"ment or company of horſe, foot, or dragoons, be kept "on foot in peace or war, but by conſent of parliament. "IX.

1705.

1705. "IX. That all the fencible men in the nation, betwixt "ſixty and ſixteen, be armed with bayonets and firelocks, "all of a caliver; and continue always provided in ſuch "arms and ammunition ſuitable. X. That no general in- "demnity, or pardon for any tranſgreſſion, ſhould be valid, "without conſent of parliament. XI. That the fifteen "ſenators of the college of juſtice ſhould be incapable of "being members of parliament, or of any other office or "penſion, but the ſalary, that belongs to their place, to "be increaſed as the parliament ſhould think fit. That the "office of preſident ſhould be in three of their number, to "be named by the parliament, and that there be no extra- "ordinary lords: as alſo, that the lords of the juſtice-court "ſhould be diſtinct from thoſe of the ſeſſion, and under the "ſame reſtrictions. XII. That, if any king ſhould break "in upon any of theſe conditions of government, he ſhould, "by the eſtates, be declared to have forfeited the crown." Fletcher enlarged upon every article, endeavouring to ſhew, that the firſt eight were neceſſary to prevent Engliſh influence over Scots affairs; the ninth, to inable the nation to defend its rights and liberties; and the tenth, to deter miniſters of ſtate from preſuming to give the king bad advice, and doing things contrary to law (a). The eleventh article he ſaid was neceſſary to preſerve the judicatories from corrupt judges: "And if the twelfth, concluded he, be not "approved, ſure, I am, this houſe muſt own, the laſt king "James was barbarouſly and unjuſtly treated." However this ſcheme of limitations was never framed into an act.

Another material point under the conſideration of this parliament, was the plot. They had, in their former ſeſſion, addreſſed the queen to tranſmit to them ſuch perſons, as were evidences in, and ſuch papers as related to, that affair; and, in the beginning of this ſeſſion, the duke of Hamilton and Athol were very deſirous to proſecute it to the utmoſt. But the cavaliers were not ſo forward; firſt, becauſe they were under a kind of engagement to the earl of Mar and Sir James Murray of Philiphaugh, that, if the duke of Queenſberry's friends oppoſed the marquis of Tweeddale and his party, as in the former ſeſſion, they ſhould not inſiſt

(a) The earl of Stair having ſpoken againſt this ſcheme, Fletcher in anſwer, ſaid, 'It 'was no wonder his lordſhip 'was againſt it; for, had there 'been ſuch an act, his lordſhip 'had been long before hanged, 'for the advices he gave king 'James, the murder of Glenco, 'and his conduct ſince the re- 'volution.' Lockhart.

inſiſt on that affair; which would irritate the duke's friends to ſuch a degree, that many of them would not concur in oppoſing the act for a treaty. In the next place, the cavaliers conſidered, that the edge of many people's indignation againſt the plot was blunted, by its lying ſo long dormant. And being, at the ſame time, apprehenſive of being baffled, if they attempted any thing againſt the duke of Queenſberry, they reſolved to ſtand neuter, at leaſt till they ſaw whether the dukes of Hamilton and Athol could prove any thing. It being moved, on the 28th of Auguſt, that the houſe might be acquainted what anſwer the queen had returned to the addreſs, the lord-commiſſioner declared, That he had received a letter from her majeſty relating to that matter, and would ſignify her pleaſure therein to the parliament in a few days. Accordingly, on the 11th of September, the lord-chancellor acquainted the houſe, that the reſt of the papers relating to the late plot were now tranſmitted; and that they ſhould be given to the clerk-regiſter, to be peruſed by the members of the houſe. But, when the houſe took theſe papers into conſideration, it was urged, that they were only copies, and that the principal evidences, ſuch as Sir John Maclean, Mr. Keith, and others remained in London; and that the parliament could not proceed any further in that affair, unleſs the original papers, and the perſons who were evidences, were at their command. However the dukes of Hamilton and Athol, and Bailie of Jerviſwood, made ſpeeches in their own vindication, aſſerting, that the accuſation againſt them in the diſcovery of the pretended plot was falſe and calumnious. The duke of Athol, in particular, made a long narrative of the beginning, progreſs and concluſion of the whole affair; accuſed the duke of Queenſberry of endeavouring to give the queen ſiniſter impreſſions of her good ſubjects; produced copies of letters ſent from him to her majeſty, affirming, that all the cavaliers had an hand in the plot, or, at leaſt, were enemies to her; and that, the better to carry on his deſign, he had employed, and held correſpondence with Frazer or lord Lovat. But, notwithſtanding all this great clamour, no further notice was taken of this affair. 1705.

The buſineſs, which the court had principally at heart, was the act for a treaty with England. The earl of Mar had, in the beginning of this ſeſſion, preſented an act for appointing commiſſioners to treat with commiſſioners from England of an union; which lay upon the table, till moſt of the overtures in relation to trade and the limita-

1705. limitations were diſcuſſed; but theſe being over, the other was reaſſumed. This act was much of the ſame nature and import with the act paſſed in England, both impowering commiſſioners to meet and treat of an union of the two kingdoms of England and Scotland, and reſtraining them from treating of any alterations of the church government, as by law eſtabliſhed, in the reſpective realms. The only material difference was, that the Engliſh act not only gave the queen the nomination of the commiſſioners on the part of England, but required alſo that the queen ſhould name and appoint the Scotch commiſſioners; whereas, in the draught preſented by the earl of Mar, there was a blank for the power of the nomination. This gave occaſion to Fletcher of Salton, in a pathetic ſpeech, on the 28th of Auguſt, to inveigh againſt the haughty and imperious proceedings of the Engliſh in this affair; exhorting the houſe to reſent this treatment, as became Scotſmen, for which purpoſe he offered an addreſs to be preſented to her majeſty, importing, "That the act paſſed "in the parliament of England, containing a propoſal for "a treaty of union of the two kingdoms, was made in "ſuch injurious terms to the honour and intereſt of the "Scots nation, that they, who repreſented that kingdom "in parliament, could no ways comply with it; which "they had the greater regret to refuſe, becauſe a treaty of "union had, in this ſeſſion, been recommended to them by "her majeſty. But that they ſhould be always ready to "comply with any ſuch propoſal from the parliament of "England, whenever it ſhould be made in terms no ways "diſhonourable or diſadvantageous to the Scots nation." The houſe, rejecting this motion, called for the earl of Mar's draught, and for the Engliſh act, both which were read. The cavaliers and country party obſerving, that there was a great inclination in the houſe to ſet a treaty on foot, thought it improper to oppoſe it any longer in general terms; and therefore reſolved to endeavour to clog the commiſſion with ſuch reſtrictions and proviſions, as ſhould retard the treaty's taking effect. In order thereto, the duke of Hamilton preſented a clauſe to be added to the act, importing, "That the union to be treated on ſhould "no ways derogate from any fundamental laws, ancient "privileges, offices, rights, liberties and dignities of the "Scots nation." This the courtiers vigorouſly oppoſed, as inconſiſtent with the intended intire or incorporating union, of which the aboliſhing the Scots parliament was a neceſſary

neceſſary conſequence. And thereupon they urged, "That, 1705.
"ſince Scotland and England were under one ſovereign,
"who mediated between her two kingdoms, and England
"had already given ample powers to their commiſſioners,
"it would be unbecoming in Scotland to reſtrain their
"commiſſioners. That it would ſhew a jealouſy of her
"majeſty and might put a ſtop to the treaty, ſince Eng-
"land could not but expect, that the Scots commiſſion-
"ers ſhould have as ample powers as theirs. That there
"could be no danger in giving unlimited powers to their
"commiſſioners, ſince it was expreſly provided, that no
"matter or thing treated of, and agreed to, ſhould be of any
"force, unleſs it were firſt approved of and ratified by the
"parliaments of both kingdoms. And therefore when their
"commiſſioners ſhould make their report of the ſcheme of
"union, that ſhould be agreed on, then it would be pro-
"per for the houſe to conſider, whether they would ratify
"or reject the ſame." To this it was anſwered, "That
"Scotland and England's being under one ſovereign made
"this clauſe neceſſary, ſince woful experience taught them,
"and it had been often complained of in the houſe, that
"their ſovereign was under Engliſh influence, and ſub-
"ject to the counſels of her Engliſh miniſters, who regard-
"ed the intereſt and honour of Scotland no further, than
"was conſiſtent with that of England. That the adding of
"this clauſe could never imply the leaſt miſtruſt of the
"queen's inclinations towards her ancient kingdom, ſince all
"that could be made of it was, that the Scots parliament
"being ſenſible that the queen was not in a capacity to
"know the intereſt and circumſtances of Scotland ſo well
"as thoſe of England, had taken care to prevent any in-
"conveniencies, that might ariſe from thence. That
"there were ſome things ſo ſacred, that the leaſt innova-
"tion or alteration, much leſs the abrogating or ſuſpend-
"ing them, was never to be attempted, or the ſubject of
"any treaty. And the particulars of this clauſe, ſuch as
"the ſovereignity, independency, and freedom of the na-
"tion, being of this nature, ought therefore to be added.
"That England could not take it amiſs, ſince they them-
"ſelves had reſtrained their own commiſſioners from treat-
"ting of any alteration in the church-government of that
"kingdom. That the Scots were a free independent peo-
"ple, and had a power to give what inſtructions, powers,
"and reſtrictions they pleaſed to their commiſſioners.
"Neither was it to be imagined, that England would re-

fuſe

1705. " fuſe to treat upon account of this clauſe, becauſe the " very clauſe, in the ſame expreſs words, was inſerted in " the act of the treaty in the reign of king James VI, " and to the ſame purpoſe in moſt of the ſubſequent acts of " treaty; and yet neither that king (who would have had " good reaſon to be offended at any diſreſpect or diſtruſt " ſhewn, towards him) nor his ſucceſſors, nor the parlia- " men of England, made any ſcruple upon that account, " to meet and treat with the commiſſioners of Scotland." Theſe and many other arguments were urged for and againſt the clauſe; but the queſtion being put, Whether it ſhould be added, or not? It was carried in the negative by two voices only, through the neglect of ſeven or eight of the cavaliers and country-party, who happened to be abſent.

This being over, another clauſe was offered, importing, " That the commiſſioners ſhould not go out of Scotland, " to enter into any treaty with thoſe to be appointed for " England, until there was an act paſſed by the parlia- " ment of England, reſcinding that clauſe in the Engliſh " act, by which it was enacted, that the ſubjects of Scot- " land ſhould be adjudged and taken as aliens, after the " 25th of December 1705." The cavaliers inſiſted upon this clauſe as neceſſary to vindicate the honour of the nation from the injuſtice of the Engliſh in that act, upon a belief, that, if it were added, the Engliſh would not comply with it, and ſo the treaty would come to nothing. Upon the ſame conſideration the courtiers oppoſed it; but, obſerving it took with the houſe, they did not preſume to do it openly, but by this artful motion, " That the clauſe " ſhould be approved, though not, as was propoſed, in- " groſſed with the body of the act for a treaty; but, a " reſolve of the houſe paſſed, that, after the act was " finiſhed the houſe would immediately proceed to conſider, " whether the clauſe ſhould be of force by a particular act, " or by an order of the houſe;" and the queſtion being ſtated, " Add the clauſe to the act, or by a ſeparate way," the latter was carried. By this the courtiers were ſure of having a treaty; for if the clauſe was turned into an act at the cloſe of the ſeſſion (when they had no more to require of the parliament) they might grant the royal aſſent to the act of treaty, or refuſe it to this, as they ſhould be directed from England: And in caſe the clauſe was turned into an order of the houſe, then they might diſſolve the parliament by which means the act, impowering the commiſſioners

miſſioners to treat, remained in force, and the order ceaſed. 1705.
Before the vote was ſtated, upon the act for a treaty, the duke of Athol, on the 1ſt of September, entered his proteſt in theſe terms: "In regard, that by an Engliſh act of "parliament made in the laſt ſeſſion thereof, intitled, "An act for the effectual ſecuring England from the dan-"gers that may ariſe from the ſeveral acts lately paſſed "in Scotland, the ſubjects of this kingdom are to be ad-"judged aliens, born out of the allegiance of the queen, "as queen of England, after the 25th of December, 1705; "I do therefore proteſt for myſelf, and in the name and "behalf of all ſuch as ſhall adhere to this my proteſtation, "that, for ſecuring the honour and intereſt of her majeſty, "as queen of this kingdom, and maintaining and preſerving "the undoubted rights and privileges of her ſubjects, no act "for a treaty with England ought to paſs in this houſe, un-"leſs a clauſe be adjected thereto, prohibiting and diſcharg-"ing the commiſſioners that may be nominated and ap-"pointed for carrying on the ſaid treaty, to depart the king-"dom, in order thereto, until the ſaid act be repealed and "reſcinded by the parliament of England." To this proteſt moſt of the cavaliers and country party, and all the Squadrone adhered, making in all twenty-four peers, thirty-ſeven barons, and eighteen boroughs. While the rolls were calling, upon this reſolve (it being very late) many of the members, after they had given their votes, went out of the houſe, expecting, that the parliament would not have proceeded to any more buſineſs that night; but immediately after the laſt name in the roll was called, duke Hamilton, addreſſing himſelf to the chancellor, moved that the nomination of the commiſſioners for the treaty ſhould be left wholly to the queen. Upon this unexpected motion fourteen or fifteen of the cavaliers ran out of the houſe in rage and deſpair, ſaying aloud, "That it was to no pur-"poſe to ſtay any longer, ſince the duke of Hamilton "had deſerted and ſo baſely betrayed them." However thoſe, who remained, ſtrenuouſly oppoſed the motion; and a hot debate aroſe upon it, wherein the cavaliers uſed the very arguments, which duke Hamilton had often urged: "What! leave the nomination to the queen? No; ſhe "is in a manner a priſoner in England; and the eſtates of "Scotland had taught us our duty in a caſe nearly related "to this during the captivity of king James the firſt. Our "queen knows none of us, but as introduced by her "Engliſh miniſtry, and recommended by our inclinations

1705. "to ſerve that kingdom. Our queen never had an op-
"portunity to know the true intereſt of our country;
"and, though ſhe did, yet in her preſent circumſtances,
"cannot ſhew her regard for it: And who then ſo proper
"to nominate Scots commiſſioners to treat of Scots affairs
"as a Scots parliament?" Little or nothing was offered in anſwer either to theſe arguments, or againſt the motion, "That no perſon who had any eſtate in England, ſhould "be of the number of the commiſſioners." Which was levelled at the duke of Hamilton. But the courtiers ſtill inſiſting, that the ſenſe of the houſe might be known in this matter, the queſtion was put, "Whether the nomina-"tion of the commiſſioners be left in the queen, or to the "parliament?" And by reaſon of the abſence of the members before-mentioned, it was carried for the queen by a majority of eight voices only. Duke Hamilton's proceeding in this affair was highly reſented by the cavaliers; but he endeavoured to vindicate himſelf by alledging, That after the parliament had rejected the ſeveral clauſes, that were propoſed to be added to the act, he thought it in vain to contend any longer; and ſince the court would have had a majority, to give the nomination to the queen, he might be allowed to make her the compliment. Beſides, it was the duke's opinion that, if the commiſſioners named by the queen ſhould do any thing, that ſhould not be approved in the ſubſequent parliament, they might be the more ſeverely cenſured for it, than if the parliament had named them. But it is thought, that the duke had a mind to be one of the commiſſioners himſelf; and fearing, that he ſhould not be named by the parliament, he reſolved to rely on the duke of Argyle's and the earl of Mar's promiſe of his being named by the queen; who having refuſed to do ſo, the duke of Argyle reſented it ſo far, that he would not ſuffer himſelf to be named, and even threatned to oppoſe the union, though means were afterwards found to induce him to alter his mind.

In the next ſitting of the parliament, on the 4th of September, two draughts of an addreſs were preſented one by the earl of Sutherland, the other by Fletcher of Salton, beſeeching her majeſty to uſe her endeavours with the parliament of England to reſcind that part of the Engliſh act, declaring the ſubjects of Scotland to be aliens; both which draughts were read, as was alſo the overture of an act, ordaining, that the commiſſioners on the part of Scotland ſhould not enter upon the treaty for an union with

with England, until that clauſe were repealed. Hereupon 1705.
the courtiers moved, that the parliament ſhould proceed by way of order to their commiſſioners, and by addreſs to her majeſty, and not by way of act; and, after ſome debate, the queſtion being put, was carried for the order and addreſs, which were immediately drawn up, and unanimouſly agreed to. Then an overture of an act was preſented, diſcharging the peers of Scotland from going into England, without leave of the privy-council; but on the 6th of September, after a firſt reading of this overture, it was rejected. After this, the houſe conſidered the act for a treaty with England, and made ſome ammendments to the clauſe containing the powers to be given to the commiſſioners. The cavaliers took this occaſion to renew the motion, "That an union ſhould not derogate from any fundamental "laws, ancient privileges, offices, rights and dignities, and "liberties of the kingdom of Scotland;" but, after ſome debate the queſtion being put, whether that clauſe ſhould be added, it was carried in the negative, and then the act was Sept. 21.
approved, and received the royal aſſent. However, the duke of Athol proteſted againſt it, for the reaſons contained in his former proteſt, and was adhered to by twenty noblemen, thirty-three barons, and eighteen boroughs. Two days after, the act for granting the queen a ſupply of ſix-months ceſs, amounting to four hundred and thirty-two thouſand, eight hundred pounds (Scots money) for maintaining the army, garriſons, and frigates for one year, was approved. On the 18th of September, the houſe went upon the public accounts, and allowed to the commiſſioners of the ſame two hundred pounds ſterling each; fifty pounds to the clerk, and twenty pounds to other ſervants; fifteen hundred pounds to the lord Belhaven; three hundred pounds to the duke of Queenſberry, and three thouſand pounds to the duke of Argyle, as being due to him; which ſums were paid out of the fifty thouſand pounds ſterling granted to the queen. After which the parliament was adjourned to the 20th of December following (a).

Not long after the adjournment, the earl of Mar, who, during the whole ſeſſion, had done conſiderable ſervice to

(a) On the 16th of Auguſt, it was moved and reſolved, that Mr. James Anderſon, writer to her majeſty's ſignet, having written a book intitled, An hiſtorical eſſay, ſhewing that the crown and kingdom of Scotland are imperial and independent, have a reward of four thouſand eight hundred pounds Scots money for that good ſervice; and that the thanks of the parliament

1705. the court was made ſecretary of ſtate in the room of the marquiſs of Annandale, who was appointed lord preſident of of the council in Scotland, and who was removed from the poſt of ſecretary becauſe he was thought to hold a private correſpondence with the ſquadrone, being rather inclined to favour the proteſtant ſucceſſion without, than with an union; and therefore would not follow the duke of Queenſberry's dictates further than he pleaſed; upon which account he was much careſſed by the cavaliers.

Having thus given a full relation of the parliamentary affairs of this year, it is now time to turn to the progreſs of the war.

The duke of Marlborough marches to Triers. Burnet. Broderick. Conduct of the D. of Marlborough,

The duke of Marlborough, having delivered the empire by the victory at Blenheim, had long conſidered how to improve that ſucceſs; and, having communicated his ſeveral projects to the cabinet council, none ſeemed ſo judiciouſly laid, as the making an impreſſion upon the frontiers of France. The deſign therefore was, that the Moſelle ſhould be the ſcene of action; and care was taken to lay up magazines of all ſorts in Triers for that purpoſe, to carry on this deſign, two things were abſolutely neceſſary; firſt, the concurrence of the Dutch, who ſeemed unwilling to let their troops go ſo far from their frontiers, leſt they ſhould loſe, in one campaign, the barrier, which they had been forming in two or three; and, ſecondly, the quickening the ſlowneſs of the Germans, without whoſe joint aſſiſtance, the duke of Marlborough could not act there with probability of ſucceſs. The States, however, conſented, that he ſhould carry the greateſt part of their army to the Moſelle, and reſolved to lie on the defenſive upon their own frontiers; for they reckoned, that how ſtrong ſoever the elector of Bavaria's army was at that time, yet, when France ſhould be preſſed with ſo great a force, as they computed would

liament be given him by the lord chancellor, in preſence of the lord high commiſſioner; which was done accordingly. It was alſo moved and reſolved, that Mr. James Hodges, who in his writings had ſerved the intereſt of the Scots nation, ſhould have the like reward. But on the other hand, complaint being made of a book intitled, The ſuperiority and direct dominion of the imperial crown of England over the kingdom of Scotland; and alſo of the pamphlet, intitled, The Scots patriot unmaſked, both written by Mr. William Atwood, as ſcurrilous, full of falſhoods and reflecting upon the honour and independency of the Scots nation; the ſame were ordered to be burnt by the hand of the common hangman.

be on the Moſelle, he would be ordered to ſend ſuch detach- 1705.
ments thither, that his army would be ſoon diminiſhed, and ſo would not have the ſuperior ſtrength long.

This being the duke of Marlborough's ſcheme, he ſet out on the 26th of March, 1705, from St. James's towards Harwich, where he embarked on the 30th, and landed in Holland on the 2d of April. Upon his arrival at the Hague, he had ſeveral conferences with the penſionary and other members of the aſſembly of the States-General, in which he laid before them the great advantages which would ariſe to the whole confederacy, from the vigorous proſecution of his deſign; which would deprive France of the means, either of enlarging her conqueſts in Piedmont, or of protecting Spain, by reducing her to the neceſſity of defending herſelf at home. The duke had likewiſe another motive, which concurred to put him upon theſe meaſures. The marſhal de Villars, lately made a duke of France, was the principal dependence of Lewis XIV. The duke therefore judged, that to triumph over and ruin the reputation of the marſhal, by a ſingle defeat, would be a ſervice to the common cauſe preferable to all others. The conſequence of ſuch a defeat would have been the ſubmiſſion of the three biſhopricks; after which, nothing could have prevented his making himſelf maſter of Thionville, and even of Luxemburgh itſelf.

The Dutch were ſoon made ſenſible of the reaſonableneſs of the duke's plan; but the difficulty was to bring prince Lewis of Baden to concur in it. That prince had ſeemed to approve of it ſo well, during the winter, that no doubt was then made of his being both able and willing to enter upon this new ſcene of the war. But, as the duke of Marlborough was ſetting out, depending on his concurrence, he received an expreſs from him, excuſing himſelf, both from the [illegible] of health, and becauſe the force he had about him was not conſiderable, nor was that, which he expected, like to come to him ſo ſoon as might be wiſhed for. This could not ſtop the duke of Marlborough, who had ſet his heart upon opening the campaign in thoſe parts, and had great hopes of ſucceſs. He reſolved therefore to puſh the affair as far as he could, and accordingly went to confer with the prince at Raſtadt, where he arrived on the 19th of May. The prince's ill health ſeemed only a pretence. It was true, that the princes and circles of the empire had not ſent in their quotas; but it appeared, that there was already ſtrength enough, in conjunction with the army which the duke of Marlborough was to bring, to advance and open

1705. the campaign with great advantage, at leaſt till detachments ſhould come from other parts. The prince of Baden at laſt conſented to this, and promiſed to follow with all the forces he could bring.

expecting the Prince of Baden, who failed him.

The duke, being ſatisfied with theſe aſſurances, went from Raſtadt, on the 22d of May, to view the lines at Biehl and Stolhoffen, from whence he proceeded to Mannheim, and then to Triers, where he arrived on the 30th, and having aſſembled all the troops in the neighbourhood of that place, the Engliſh and Dutch forces, which were encamped near Igel, on the other ſide of the Moſelle, paſſed that river, on the 3d of June, over ſeveral bridges, and from thence marched to thoſe prepared for them over the Saar, which river they paſſed alſo at Conſaarbruck. The Heſſians, Danes, and Lunenburghers paſſed the Saar at the ſame time, and ſo all the forces joined. After a difficult march of near eight hours, they at laſt advanced within a quarter of a league of Sirk, near which place marſhal Villars was incamped with a numerous army. It being too late to incamp, the troops lay on their arms all night. The next morning they incamped at Elſt, the right being at Perle, near Sirk, on the Moſelle, and the left at Hollondorp, within ſight of the enemy's army. Upon the appearance of the allies the day before, the enemy immediately prepared for a retreat, which they now put in execution with great precipitation, and marched from Sirk towards Coningſmacheren, poſſeſſing themſelves of a very advantageous camp, which they made yet ſtronger by caſting up intrenchments, and felling trees; ſo that there was no poſſibility of attacking them in that poſt with the leaſt probability of ſucceſs. This indeed was no diſappointment to the duke, for he did not deſign to attack them; and his advancing ſo far was only to cover the intended ſiege of Saar-Louis. The taking of that place was of ſo great importance, that the ſucceſs of the whole campaign on that ſide depended on it; and time being very precious, the duke diſpatched frequent expreſſes to quicken the march, not only of the Imperialiſts, but of the Wirtemberghers, Pruſſians, and Palatines, and to exhort the princes, who had promiſed to furniſh artillery, horſes, and waggons, to ſend them with all poſſible expedition. His requeſts, though ſeconded by those of the States-General, were however to little purpoſe. Some Imperial troops were indeed detached from Lauterberg for the Moſelle, but they kept ſo truly to their own uſual pace, and marched ſo ſlowly, that, inſtead of being on the Saar the 9th or 10th

of

of June, N. S. as they ſhould have been, they were not ar- 1705.
rived on the 20th, nor were there either horſes or artillery provided. Prince Lewis of Baden, who had promiſed to come in perſon, came indeed as far as Creutznach, and then, falling ſick, took an opportunity to go to the wells of Schwalbach and the bath at Schlangenbade, leaving theſe forces under the command of the count de Frieze. Thus his former excuſe of want of health and force was repeated, not without ſhrewd ſuſpicions of treachery; for it appeared plainly, that the French knew what he intended to do, and their management ſhewed they depended on it, becauſe they ordered no detachments to augment Villars's army. The duke of Wirtemberg made a little more haſte with four thouſand men in the pay of the States, and the Pruſſians arrived before the grand army was obliged to decamp.

In the mean time the enemy, on the 28th of May, inveſted Huy with a detachment under the command of count de Gaſſe; and, on the 10th of June, the caſtle ſurrendered, the garriſon being made priſoners of war. After this the elector of Bavaria and marſhal de Villeroy, being willing to make the beſt uſe of the duke of Marlborough's abſence, marched with their army towards Liege, and reſolved to form the ſiege of that place. This diſagreeable news had no ſooner reached the duke's army, but he received a letter from the States, wherein they repreſented to him, "the "loſs of Huy; the ſiege of Liege, which was begun; the "threats of the elector, and marſhal de Villeroy, that they "would recover the former conqueſts of the allies; the "neceſſity, which there was to make a powerful diverſion "to oppoſe their enterprizes; and, if that could not be "done on the Moſelle, the States deſired him to return "with his army towards the Maeſe." The duke perceiving, that the delay of the German troops would render the ſiege of Saar-Louis abortive; the difficulty of ſubſiſting a numerous army in a ruined country; and the impracticableneſs of attacking marſhal Villars, who, beſides his ſuperiority of troops, was poſted in an inacceſſible camp, reſolved at laſt to march to the relief of Liege. He decamped on the 17th of June, and moved towards Triers, where it was reſolved in a council of war, that the forces, under his command, ſhould march back to the Maeſe, except ſeven thouſand Palatines in the pay of England and Holland, who were left for the ſecurity of Triers, and other poſts on that ſide, under the command of lieutenant-general Aubach. In purſuance of this reſolution, the duke, after having ſpent

The French take Huy, and beſiege Liege.

1705. ſome weeks in this fruitleſs attempt, marched for the Netherlands by the ſhorteſt way, very much mortified at the ill uſage he had received; and the Imperial troops, the Pruſſians and Wirtembergers, moved towards the Upper Rhine.

The prince of Baden's conduct, throughout this whole affair, was liable to great cenſure, and he was ſuſpected to have been corrupted by the French; while thoſe who did not carry their ſuſpicions ſo far, attributed his acting as he did to his pride; and thought, that he, envying the duke of Marlborough, and apprehending, that the whole glory of the campaign would be aſcribed to him, choſe rather to defeat the whole deſign, than to ſee another carry away the chief honour of any ſucceſſes that might have happened.

The French take poſſeſſion of Triers.

Marſhal Villars, having now no enemy before him, ſent a detachment to reinforce the elector of Bavaria, and another for the army under marſhal de Marſin in Alſace, and advanced with the reſt towards the Saar. Upon the firſt notice of which, the Palatine general ſent orders to the governor of Saarbruck to quit the caſtle, and blow up the fortifications, which he accordingly performed. And to compleat the ill conduct of the Germans, on the 25th of June (even before the enemy appeared in ſight) he deſtroyed all the magazines at Triers, blew up the fortifications, burnt the boats deſigned to make bridges, and in a diſhonourable manner quitted that important poſt, which had coſt the allies immenſe ſums of money. The enemy immediately took poſſeſſion of the place, and Villars marched to join de Marſin, and with him drove the Imperialiſts from the lines of Croon-Weyſſenburg; and general Thungen found it very difficult to maintain himſelf in the lines of Lauterburg. Theſe unpardonable miſmanagements obliged the duke of Marlborough to ſend Colonel Durel, one of his aids-de-camp, to repreſent the whole matter to the emperor.

The duke of Marlborough forces the French lines.

In the mean time, the duke, by his diligent march, arrived time enough to ſave the citadel of Liege; ſo that the face of affairs was immediately changed in the Netherlands; for the enemy, upon advice of his approach, ſent back their artillery to Namur, and retired in great precipitation to Tongeren. On the other hand, the duke, continuing his march, arrived at Maeſtricht on the 27th of June, and having taken meaſures with monſieur Auverquerque and the other generals to march towards the enemy, they decamped for that purpoſe; but the French thought fit to prevent them, and retired from Tongeren nearer to their lines. On the 2d of July, the duke paſſed the Maeſe, and advanced

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to Haneff, while the forces under monſieur Auverquerque, marched at the ſame time to Theys upon the Jaar. The enemy, having notice of this march, decamped in haſte, as it were, fled into their lines, having ſent away moſt of their heavy baggage the day before. 1705.

The French having thus ſecured themſelves within their lines, the confederate generals thought fit to undertake the ſiege of Huy, before they proceeded further; and, to that end, made a detachment under general Scholten, to inveſt that place on the 6th of July, while the duke of Marlborough and monſieur Auverquerque made each a ſmall motion to cover the ſiege. Two days after, the batteries began to play againſt fort Picard; and, the diſpoſitions being made for attacking it, the allies ſoon made themſelves maſters of the covered way, and were reſolutely climbing up the fort, which the enemy perceiving, fled into the caſtle, having quitted the Red Fort two hours before. The next day, July the 11th, a battery was brought to play againſt the caſtle, and another was erected in Fort St. Joſeph; ſo that, a conſiderable breach being made, the enemy beat a parley, and demanded to march out, and be conducted to Namur; which being refuſed, they ſurrendered upon the ſame conditions, as had been granted to the Dutch two months before, the governor and garriſon being made priſoners of war. The garriſon conſiſted of five hundred men, commanded by monſieur de St. Pierre, a brigadier-general in the French ſervice; beſides whom, there was a governor appointed by the elector of Cologne. They marched out of the place on the 12th, to the number of four hundred and fifty men, beſides the ſick and wounded, and were conducted to Maeſtricht.

After the reduction of Huy, the duke of Marlborough was reſolved to undertake ſome more conſiderable action; and, nothing appeared more advantageous in its conſequence, than the attacking the enemy's lines, he ſent general Hompeſch to propoſe it to the States-General, who returned anſwer, "That, having an intire confidence in his "conduct and prudence, they left it intirely to him to do "whatever he ſhould think fit, for the good of the common "cauſe." Upon this, the duke held a general council of war, wherein that undertaking was debated; but, nothing being concluded the firſt time, a ſecond council was called, when ſome of the Dutch generals oppoſed it; but monſieur Auverquerque, the prince of Heſſe, count de Noyelles, and

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1705. ſome others, gave unanſwerable reaſons, why it ought to be undertaken; ſo the attack was reſolved on.

The enemy were poſted along their lines with near two hundred battalions, and a hundred and forty-ſix ſquadrons; and the allies having ninety-two battalions, and a hundred and ſixty ſquadrons, the two armies were pretty near equal. It was reſolved therefore to make a feint, to divide the enemy's forces; and, accordingly, the army under monſieur Auverquerque made a motion on the other ſide of the Mehaigne, and the duke of Marlborough made another at the ſame time, as if he intended to ſupport him in the attack of the lines about Meſſelen, where they were not ſo ſtrong as in other parts. This ſtratagem ſucceeded to the wiſhes of the two generals; for theſe motions, particularly the paſſing the Mehaigne, gave great jealouſy to the French, ſo that they beſtowed their chief attention on that ſide. Whereupon the duke made the following diſpoſition, in order to march with the whole army, in the night, between the 17th and 18th of July.

July 17. N. S.

Lieutenant-general Scholten having rejoined the army with ten battalions and ten ſquadrons only, thirteen ſquadrons more out of the right of the duke's ſecond line were added to them; and five of thoſe ſquadrons were given to colonel Chanclos, who, being perfectly acquainted with the lines and the nature of the ground, was ordered to march at the head of all. Eleven battalions, and all the horſe of the right wing of the duke's army, to the number of twenty-four ſquadrons, were alſo detached in order to march at the head of the firſt line; and thoſe two detachments were to be commanded by count Noyelles, general of the infantry, having under him the lieutenant-generals Lumley, Hompeſch, Scholten, and count d'Ooſt Friſe; the major-generals Wood, Roſs, Erbach, Welderen, prince of Heſſe-Homburg, and Weeck; and the brigadiers Hey, Palmo, Baldwin, Sackin, Gravendorf, Polorn, Meredith, and Hamilton. On the 17th, about four in the afternoon, the duke gave orders for the whole army to get ready to march; that all the baggage ſhould aſſemble at ſix near Tourine, behind the camp, under the guard of a colonel, with four thouſand foot, and a hundred horſe; that, at nine in the evening, count Noyelles ſhould advance with the two bodies abovementioned, filing off by their right, that which aſſembled before their firſt line to the left, and that of lieutenant-general Scholten to the right, marching through the route which the guides would ſhew them, directly towards Wan-

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gen and Elixheim, which two poſts they were to attack, if the poſture of the enemy would permit. That the duke's army ſhould march likewiſe at ten o'clock, following the ſame route, which the two detachments took: That the artillery ſhould move at the ſame time on the right of the army: That monſieur Auverquerque's artillery ſhould follow the ſame way: That, an hour before the army marched, all the horſe of the left wing of the duke's army ſhould move along the two lines, and repair to the right of the infantry: That at the ſame time the body of horſe commanded by the earl of Albemarle ſhould advance forwards from their camp: That monſieur Auverquerque's army ſhould repaſs the Mehaigne over the twelve bridges made there for that purpoſe, and ſhould join, with the right of his foot, the left of the duke's army; That, when monſieur Auverquerque ſhould begin to move, he ſhould detach a party of dragoons towards Gerbiſe, to give the alarm in the enemy's line on that ſide; and that the detachment commanded by the lord Albemarle ſhould bring up the rear of all. This diſpoſition being made, and the gun, which is uſually fired for the tattoo, being now the ſignal for taking down the tents, the two armies began their march between ten and eleven in the evening, filing off by their right in two columns, leaving Cortis, Montenaken, Houtein, and St. Gertruydenland, to their right; and the villages Troyne, Cras, Auvergne, Baudwin, Reitſhoven, Over-Winden, and Neer-Winden, to their left; and marching directly towards their line, where the two firſt detachments were to attempt to force their paſſage at Elixheim, the caſtle of Wangh, and the villages of Wangh, Neer-heſpen, and Ooſtmalen. 1705.

The darkneſs of the night ſomewhat puzzled the guides, who conducted theſe detachments, ſo that it was half an hour paſt four in the morning, and broad day, before they came near the abovementioned poſts, which, according to information, were found to be but thinly guarded. Count Noyelles cauſed the caſtle of Wangh, which defended a ſtone-bridge, that was there on the Geete, to be attacked; but the French immediately abandoned that poſt, and gave an opportunity to the grenadiers, who were ordered on that ſervice, to march forwards, and attack the barrier of that line, which the guards did not defend much better than the other had done the caſtle, and ſo the troops entered the line on that ſide with little or no oppoſition, altho' the enemy had twelve ſquadrons of dragoons incamped behind Ooſtmalen (within a cannon-ſhot of the place where the firſt detach-

1705. detachment entered) who immediately mounted their horſes, but durſt not advance to defend their barriers. At the ſame time three battalions poſſeſſed themſelves of the bridge at village of Heiliſheim, a quarter of a league from Wan the left, which was done with as little oppoſition. Nor di lieutenant-general Scholten meet with greater reſiſtance at the villages of Over-heſpen and Neer-heſpen, ſo that, being maſters of thoſe bridges and barriers, and having made ſeveral other bridges, the horſe went over them, and immediately ranged themſelves in order on the eminence, extending their right towards the village of Hackendoren, and ſome battalions drew up along the line, and behind the horſe.

While the pioneers were buſy in making paſſages through the line, ten of the enemy's ſquadrons, and four battalions, were perceived between the villages of Gouchancourt and Eſtmale; but they gave time to the confederate forces to extend themſelves, endeavouring only to advance to the village of Elixheim. Count Noyelles cauſed all the troops which he had with him, to go over as faſt as poſſible; and thereupon, the duke of Marlborough arriving with his whole army, his cavalry went over the line with extraordinary expedition, as the reſt had done, and ſo they all made up towards the enemy, who by this time were reinforced to the number of fifty ſquadrons, and twenty battalions, and advanced with great reſolution behind the hollow way, that goes from Elixheim to Tirlemont. This obliged the confederate horſe to make a ſtand a few minutes, till ſome battalions advancing, lined the hollow way, and firing upon the enemy's horſe, obliged them to retire out of the reach of their muſkets, and to form themſelves before their infantry, which gave an opportunity for the confederate horſe to paſs the hollow way. In the mean time, the French cauſed eight pieces of cannon with treble barrels to advance, with which they made a terrible fire on the confederate horſe. But the duke of Marlborough having come in perſon at the head of freſh ſquadrons, and ſeeing, that the enemy were continually receiving reinforcements, and that their infantry was going to join them, he reſolved to charge them with horſe only; which was done with that ardour and courage, that, the cavalry of the two crowns being ſoon broken, and put to flight, they went to rally themſelves behind their infantry, whilſt his victorious horſe poſſeſſed themſelves of the cannon and ammunition-waggons. The enemy, being joined with ſome ſquadrons, and having interlined ſome battalions with them, moved again towards the confederates; but the

latter,

latter, being likewiſe reinforced, and ſuſtained by their infantry, made advances to receive them. 1705.

The right of the confederate horſe, coming too near the hedges of the village of Eſtmale, which were lined with Engliſh and Bavarian foot, were ſomewhat diſordered by their fire, and obliged to ſhrink back. But, having ſoon after extended themſelves more towards the right, to make way for ſome battalions, that marched againſt the enemy's foot, they both charged with that bravery and briſkneſs, that the enemy's horſe was ſoon defeated and cut in pieces, and their infantry, left alone in the plain, with great difficulty got away in diſorder between the villages of Heiliſheim and Gerſhoven, where they met with the reſt of the army, and formed themſelves as well as they could. In the mean time, the duke of Marlborough cauſed all the reſt of the troops to enter the lines, and extended the right of his army towards the Great Geete before Tirlemont, in which town they took the battalion of Monluc, which, upon the firſt ſummons, ſurrendered at diſcretion.

In this action the marquis d'Alegre and count de Horne, lieutenant-generals, a major-general, two brigadiers, and ſeveral other officers of all ranks, beſides abundance of private men, were made priſoners. All the troops of the allies behaved themſelves with great bravery and reſolution; but, amongſt the horſe, the regiment of brigadier Cadogan diſtinguiſhed themſelves, having had the honour to charge firſt, which they did with ſuch ſucceſs, that they defeated four ſquadrons of Bavarian guards, drove them through two battalions of their own foot, and took four ſtandards, and all this with the loſs of only lieutenant Auſtin and ſome few men. Nor was the loſs of the other troops greater in proportion. The duke of Marlborough, having very much expoſed himſelf in the action, was in great danger of his life; for, as he was leading on ſeveral ſquadrons, a French or Bavarian officer quitting his poſt, and advanced ſword in hand to attack him; but, as he was raiſing himſelf upon his ſtirrups to reach him, he fell off his horſe, and was preſently killed. The Bavarian horſe, which conſiſted of twenty-four ſquadrons, offering to oppoſe the confederates, was almoſt intirely ruined; as were likewiſe the two regiments of Alſace and la Marque.

The body of troops, commanded by monſieur d'Alegre, being thus defeated, the elector of Bavaria and marſhal de Villeroy conſulted for the ſafety of the reſt of the army; and, decamping in the ſight of the confederates, paſſed the Geete

1705. Geete and the Dyle with all imaginable diligence, and poſ-
ſeſſed themſelves of the ſtrong camp at Park, with their left
at Rooſelaer, and their right againſt the height of Louvain
at Wineſelen. From thence the elector wrote to the ba[illegible]
of Malknecht, his favourite, in this manner: "Dear barbe,
"God forgive thoſe who ſuffered themſelves to be ſurpriſed.
"The whole army is here, and the evil is not ſo great as
"to be paſt remedy. The country of Brabant may be
"ſaved, as well as Antwerp, if it pleaſed God. I am
"well, but exceedingly fatigued."

On the other hand, the duke of Marlborough's army paſſed the Great Geete, and incamped with the right at Roſbeck, and the left behind Tirlemont; and that of monſieur Auverquerque extended itſelf with the right to Grain, and the left to Elixheim. The next day the confederate army moved, and in their march took about one thouſand two hundred priſoners, who could not follow the precipitate march of the enemy; and incamped the ſame evening within cannon-ſhot of Louvain.

But though by this ſucceſs the enemy were forced to abandon Dieſt, Sichem, Arſchot, and ſome other ſmall places, yet the ſuffering them to poſſeſs themſelves of the ſtrong poſt of Park, was thought a very great overſight. Some will have it, that the troops were too much fatigued to march to that camp the ſame day after the action; while others pretend, that ſome of the Dutch generals were againſt it. The duke afterwards endeavoured to force ſome paſs upon the Dyle; but, not ſucceeding, he marched from thence to Meldert, and ſent the baron de Hompeſch to propoſe a new project to the States-general, who approved of it by directions to their deputies in the army, to make two or three marches without calling a council of war, to favour the deſign formed by the duke. To countenance that expedition, baron Spaar, who commanded a ſmall body of Dutch troops in Flanders, marched from Ri[illegible] with all his grenadiers, and a ſufficient number of fuſileers to ſupport them, being followed by the reſt of the forces under his command, and in his march defeated a party of French troops. He came in the night to Reboth, on the canal that goes from Bruges to Ghent, where his men made a bridge and paſſed over it, although the enemy had a guard there, who pretended to make ſome oppoſition. After this, he attacked their lines, which were defended by ſeveral forts, forced them ſword in hand at Lovendegen, and in leſs than three-quarters of an hour, took poſſeſſion of four of thoſe forts, and made

Spaar's expedition, Aug. 3. N. S.

ſeveral

ſeveral officers, with three hundred private men, priſoners at diſcretion. He then marched towards Bruges, but having intelligence that the enemy were advancing towards him with a ſuperior force, which they had drawn out of ſeveral garriſons in the French and Spaniſh Flanders, he thought fit to retire, carrying away with him ſeveral hoſtages for the ſecurity of the payment of contributions; and having burnt the paliſadoes, houſes, and Corps de guard, along the French lines, thrown the cannon he found there into the canal, and deſtroyed all the ammunition. 1705.

The duke of Marlborough, having left two battalions at Tirlemont, and as many at Dieſt, for the ſecurity of theſe places, marched with his army from Meldert, and incamped at Corbais; the Dutch forces, under the command of Auverquerque, advancing at the ſame time to St. Martin's. The next day the two armies continued their march to Genap, and there united into one body; and the day following advanced to Fiſchermont, the right being at Hulpen, and the left at Braine la Leu; general Churchil being detached at the head of the line with twenty battalions and as many ſquadrons. In that day's march, Auverquerque cauſed one of the poſts of the enemy, called Waterlo, defended by brigadier Paſteur, with two regiments of dragoons and as many battalions of foot, to be attacked by a detachment commanded by lieutenant-general Dompre, who drove the enemy from that poſt, and purſued them about a league in the wood of Soignies. The duke of Marlborough's deſign of attacking the French oppoſed by the Dutch.

This ſudden march of the confederates kept the enemy in great apprehenſions, and gave them an equal fear for ſome places in Brabant and Flanders. However, upon the duke of Marlborough's advancing from Ghent to Hulpen, the elector of Bavaria and the marſhal de Villeroy only ſtretched out their right to Over-Yſche near the wood of Soignies, and kept ſtill their left at Neer-Yſche, with the little river Yſche before them, by which means they covered both Bruſſels and Louvain.

On the 18th of Auguſt, by break of day, the confederate army filed off with the right-wing in two columns, and paſſed the long narrow road of Hulpen, where they were not a little ſurpriſed to find no enemy to defend that difficult paſs. About noon, the whole army was drawn up in ſight of the enemy, whom the duke of Marlborough and monſieur Auverquerque having viewed, they were both of opinion to attack them immediately, before they had time to recover the conſternation, which was apparent enough in their

1705. their army. But the artillery not being yet come up, thro' the fault (as it was ſaid) of general Sclangenburg, and that general, who had reſented the duke's having undertaken the attack of the lines without his conſent or privity, having perſuaded ſome other Dutch commanders to join with him, they made a report to the deputies of the States, that the enterpriſe was neither adviſeable nor practicable; whereupon the deputies abſolutely refuſed to conſent to it. The duke ſubmitted, though with great reluctance, as appears from the expoſtulatory letter which he wrote to the States-general upon the occaſion, wherein he informed them, "That his "heart was ſo full, that he could not forbear to repreſent "to their High-mightineſſes, that he found he had much "leſs authority here, than when he had the honour of "commanding their troops the laſt year in Germany."

This letter, being made public at the Hague, occaſioned great murmurings among the people; and a great breach was like to ariſe both in the army and in the towns of Holland, particularly in Amſterdam, where the burghers came in a body to the Stadthouſe, complaining of the deputies, and that the duke of Marlborough had not fuller powers. On the other hand, the deputies endeavoured to juſtify their conduct by a letter which they wrote to the States-general, in which they repreſented, that the generals Sclagenburg, Zalich, and Dompre, were of opinion, "That the attack-"ing the enemy in their poſts would be attended with the "greateſt difficulty and hazard to the common cauſe, al-"ledging, that, conſidering the enemy could not be at-"tacked but with the greateſt diſadvantage on the ſide of "the confederates, the latter, in caſe of a defeat, would "be reduced to the greateſt ſtraits imaginable, partly be-"cauſe being ſo far advanced into the enemy's country, "they ſhould neither have had places nor hoſpitals to ſend "their wounded men to; and partly becauſe, in ſuch a "caſe, the enemy might eaſily have cut off their convoys "of bread: in ſhort, that the affairs of the allies and the "republic, juſtly weighed, were not yet reduced to ſuch a "condition, as to attempt ſo deſperate a work."

All indeed agreed, that the enterpriſe was bold and doubtful; ſome thought it muſt have ſucceeded, though with ſome loſs at firſt; and that, if it had ſucceeded, it might have proved a deciſive action: others, on the contrary, looked on it as too deſperate. Thus the military men were of very different opinions in this point, ſome juſtifying the duke of Marlborough as much as others cenſured him.

He ſhewed great temper on this occaſion; and though it gave him a very ſenſible trouble, yet he ſet himſelf to calm all the heat that was raiſed upon it. 1705.

The duke of Marlborough's projects being thus defeated, the confederate army marched to Lower-Waveren, where, having reſted one day, they returned to Corbais; and monſieur Auverquerque's army came at the ſame time to mount St. Hubert. Four days after, both armies marched and incamped together, with the right near la Ramee, and the left at Perwitz. A few days after, a detachment was made under the command of lieutenant-general Dedem, to beſiege Sout-Leuwe (a); a little town in a moraſs, and the chief defence of the enemies lines. On the 4th of September, the governor deſired to capitulate, and ſent out a major to Dedem, with propoſals upon which he was willing to ſurrender the place. The general would admit of no other terms than the garriſon's being priſoners of war, which was conſented to, provided that the officers might march out with their ſwords, and ſave their baggage; which being communicated to the duke of Marlborough, monſieur Auverquerque, and the deputies of the States, it was allowed; and, on the 5th, two hundred men of the confederate troops took poſſeſſion of the town and citadel, without having fired one gun. On the 7th, the garriſon marched out, in order to be conducted to Maeſtricht; together with brigadier-general du Mont, their governor, and monſieur de Mers, the lieutenant du Roy. There were found in the place ten pieces of braſs, and eight of iron cannon, and two braſs mortars, with a great number of bombs, ten thouſand grenadoes, two hundred barrels of powder, ſix thouſand tools of ſeveral kinds, two thouſand muſkets, a hundred barrels of muſket-ſhot, eighteen thouſand ſacks of meal, beſides other proviſions and neceſſaries. Sout-Leuwe beſieged by the allies.

The confederate army having taken this place, the duke of Marlborough ordered the lines of the enemy to be levelled, and Tirlemont to be diſmantled; and, having paſſed the Demer, incamped at Arſchot, where he continued ſome days,

(a) Sout-Leuwe is a little ſtrong town and caſtle of the Low-Countries, in the dukedom of Brabant. It ſtands in a moraſs almoſt inacceſſible, and was taken the preſent campaign by the confederates, after the glorious action of forcing the French lines. It ſtands on the river Gheet, by the borders of Liege, ſixteen miles almoſt eaſt of Louvain, twenty-one weſt of Maeſtricht, and twenty-four of Namur and Liege.

1705. days, to give directions for the beginning and carrying on the fortifications of Dieſt, Haſſelt, Tongeren, and ſome other places. The army marched afterwards towards Herentals and Turnhout, where monſieur Buys, penſionary of Amſterdam, waited on the duke on the part of Holland and Weſt-Frieſeland, and had a long conference with him. He ſet out, a few days after, for the Hague, and left the army under the command of monſ. Auverquerque, which continued at Herentals till the 20th of October, when the duke being returned from the Hague (where he had ſpent ſome days to confer with the States upon the orders he had received from England to go to Vienna) they broke up, and removed to Oſtmaeel, whence they continued their march the next day to Brecht. During the march, fifty ſquadrons of the enemy came within muſket-ſhot of the rear-guard of monſieur Auverquerque's army, and they put grenadiers into the villages of Herentals, Brumel, and Nyle, to ſupport thoſe ſquadrons; but they did not think fit to attack that general. They fell into Herantals, and plundered the waggons of about thirty ſuttlers, who ſtaid behind contrary to order; and, when monſieur Auverquerque's troops were employed in breaking down ſix bridges, over which they had paſſed the Neere, they fired briſkly upon them from their ramparts, and either killed or wounded above twenty men.

Santvliet ſurrendered to the allies.

On the 24th of October, count Noyelles inveſted Santvliet with fifteen battalions and eight ſquadrons, detached from the duke of Marlborough's army, and ſix battalions drawn out of Bergen-op-zoom, and other garriſons. On the 29th, two large breaches being made, monſieur Auverquerque gave orders, that all the grenadiers of the army, ſupported by three battalions of the garriſon of Bergen-op-zoom, ſhould be ready to attack the fort the next morning. But, that evening, the beſieged beat a parley, and count Noyelles having ſent word to the governor, that he, with his garriſon, muſt expect no other terms, than to be made priſoners of war; after ſome deliberation, he ſurrendered upon theſe conditions.

Dieſt taken by the French.

While the allies were engaged in the ſiege of Santvliet, the elector of Bavaria made a detachment, on the 24th of October, to ſurpriſe Dieſt, under the command of Don Marcello de Grimaldi; and, at the ſame time, ſent word to count d'Artagnan, governor of Louvain, to join them on the march with his garriſon. Whereupon, they unexpectedly appeared before the place, immediately ſecured all the avenues on each ſide the Demer, and ſent a trumpeter to

ſummon the governor to ſurrender; which he refuſing, 1705.
about eleven o'clock the Spaniſh troops attacked a ſmall fort on an eminence, and carried it with the loſs of thirty men killed or wounded. About two all the Spaniſh, French, and Bavarian troops of the detachment, advanced ſword in hand to make a general ſtorm; but the garriſon, not thinking fit to ſtand it, beat a parley, and ſurrendered priſoners of war; and, about five o'clock the troops of the two crowns took poſſeſſion of the town. The garriſon conſiſted of four battalions, and a regiment of dragoons, and was commanded by brigadier Gaudecker, who, being carried priſoner to Bruſſels, ſent a relation of this misfortune to the States, concluding, "That he was extremely concerned, that, "after thirty-four years ſervice, performed without the leaſt "diſgrace or ſtain to his reputation, he ſhould be put into "a place where a man of honour was not capable of de"fending himſelf." In this manner ended the campaign in the Netherlands; which, by prince Lewis of Baden's backwardneſs, and the caution of the Dutch deputies, was leſs glorious than was expected: for the duke of Marlborough was never known to ſet out ſo full of hopes, as in the beginning of it. But things had not anſwered his expectation.

With regard to the motions of the confederates on the Upper-Rhine, the emperor, having expreſſed to colonel Durel his great diſſatisfaction at the fatal cauſes which had broke the duke of Marlborough's meaſures on the Moſelle, diſpatched immediately general Gronsfelt and count Wells to prince Lewis of Baden, to expoſtulate the matter with him, in order to prevent the like miſmanagements for the future. The prince, finding his honour ſullied on that account, publiſhed a manifeſto, endeavouring to clear himſelf, which contained ſome reflections upon a particular perſon, and was induſtriouſly ſuppreſſed. In the mean time, the imperial army continued at Lauterburg, in which advantageous poſt marſhal Villars did not think fit to attack them. However, in the beginning of July, he advanced to Croon-Weiſſenburg, took part of the garriſon priſoners of war, and came in ſight of the imperial army. They made ſome attacks, but found all the poſts ſo well guarded, that after having conſumed the forage between Lauter and Landau, demoliſhed the walls of Croon-Weiſſenburg, and the lines about that place, they retired towards Hagenau. Soon after, the French not only raiſed the lines about Triers, but beſieged and took Homburg, the Palatines having ſurrendered that place upon articles.

Proceedings on the Rhine.

The French take Homburg.

1705. Marſhal Villars, having paſſed the Rhine at Straſburg on the 6th of Auguſt, obliged general Thungen to do the like with the imperialiſts; and, on the 12th, prince Lewis of Baden arrived in the camp at Stolhoffen. The prince having taken a review of the army, and held a council of war, reſolved to advance in the night directly towards the enemy, who were very advantageouſly incamped. But marſhal Villars had no ſooner notice of his approach, but he retired under the cannon of Kehl, and a few days after repaſſed the Rhine. On the 22d, the prince of Baden repaſſed that river with his army, leaving the count de la Tour with twelve thouſand men to guard the lines of Stolhoffen; and on the 28th advanced in order to attack the lines of Hagenau, although they were ſtrongly guarded. The enemy at firſt made ſome reſiſtance; but the count de Merci with the horſe attacked them with that vigour, that he ſoon made himſelf maſter of the lines. After this, he perceived the enemy's whole army drawn up in order of battle; but the prince of Baden having notice of it, immediately reinforced him with two regiments of horſe, and advanced himſelf with part of the army to ſupport him, ſo that the French thought fit to retire. The imperialiſts loſt no more than one lieutenant and ſixteen ſoldiers in forcing the lines, whereas the enemy had near four hundred killed or taken.

The French lines forced at Hagenau.

Druſenheim taken by the confederates.

The Imperial and French armies having been ſeveral times within ſight of one another, it was expected on both ſides, that an engagement would have enſued. But prince Lewis being reinforced by ten battalions and twenty ſquadrons of the Pruſſian troops, marſhal Villars, on the 13th of September, thought fit to decamp in the night with the utmoſt privacy, and retire towards Straſburg. The ſame day nine ſquadrons and nine battalions, with a detachment of grenadiers, under the command of count de Frize, were ordered to beſiege Druſenheim, a fortified place in Alſace (a). The trenches were opened on the 19th, and the attacks were carried on with ſo much vigour, that the garriſon, conſiſting of about four hundred men, ſurrendered, on the 24th, priſoners of war. The confederates found in the place four hundred ſacks of meal, four pieces of cannon, four hundred muſkets,

(a) Druſenheim is a fortified poſt in Alſace, through which the lines of Hagenau run towards the Rhine. It was taken by prince Lewis of Baden as above-mentioned, but ſince retaken by the French. It ſtands about a league weſt of the Rhine, four miles ſouth-eaſt of Hagenau, eleven miles almoſt north from Straſburg, and ſix miles weſt of Stolhoffen.

muſkets, and twelve barrels of powder; and the taking of it gave an opportunity to the Imperialiſts cloſely to block up Fort-Louis. On the 28th, Hagenau (1) was inveſted by a ſtrong detachment, commanded by general Thungen, having under him the generals Erffa and Arnheim. The Poliſh infantry of the king of Pruſſia, and that of Wirtemberg, were employed in that ſiege, with twenty ſquadrons: And though the place had a good counterſcarp, a large ditch full of water, and a ſtrong wall, yet the garriſon made but a ſlender reſiſtance, offering to ſurrender the 5th of October upon articles; but, none being allowed, but to be made priſoners of war, they reſolved to quit the place in the night, and retire to Savern. The place not being inveſted on that ſide, they put their deſign in execution, to the great diſſatisfaction of prince Lewis of Baden. The taking of Druſenheim and Hagenau inabled the Germans to ſecure their quarters on that ſide of the Rhine, and very much facilitated the projects of the enſuing campaign. Thus nothing was done by that noble army, under the prince of Baden, equal either to their numbers or ſtrength, or to the reputation which he had formerly acquired. This was contrary to the general expectation; for it was thought, that, being at the head of ſo great an army, he would have ſtudied to ſignalize himſelf, if it had been but to rival the glory, which the duke of Marlborough and prince Eugene had acquired. 1705. and Hagenau.

The emperor Leopold V. died in May this year. He was the moſt knowing and the moſt virtuous prince of his communion; only he wanted the judgment which was neceſſary for conducting great affairs at ſuch critical times. He was almoſt always betrayed; and yet he was ſo firm to thoſe, who had the addreſs to inſinuate themſelves into his good opinion and confidence, that it was not poſſible to let him ſee thoſe miſcarriages, which ruined his affairs ſo often, and brought them ſometimes near the laſt extremities. Of theſe every body The Emperor Leopold's death and character. Burnet.

(1) Hagenau is a city of Germany, in the circle of the Upper Rhine, and lantgravedom of Alſatia, once imperial, but in an uncertain ſtate, ſince the taking of Landau by the Germans in 1702; for, in 1703, the French re-poſſeſſed it, and, in 1704, drew lines by it, which prince Lewis of Baden forced this campaign, and took the town. It was retaken by the French in 1706. It ſtands on the river Matebrun, thirteen miles almoſt north of Straſburg, and as many weſt of Baden.

1705. body elſe ſeemed more ſenſible than he himſelf. He was devout and ſtrict in his religion, and was ſo implicit in his ſubmiſſion to thoſe prieſts who had credit with him, and particularly the Jeſuits, that he owed all his troubles to their counſels. The perſecutions they began in Hungary raiſed one great war; which gave the Turks occaſion to beſiege Vienna, by which he was almoſt intirely ſwallowed up. This danger did not produce more caution: After the peace of Carlowitz, there was ſo much violence and oppreſſion in the government of Hungary, both of papiſts and proteſtants, that this raiſed another war there; which, in conjunction with the revolt of the elector of Bavaria, brought him a ſecond time very near utter ruin. Yet, he could not be prevailed upon, either to puniſh, or ſo much as ſuſpect thoſe, who had ſo fatally intangled his affairs, that without foreign aid nothing could have extricated him. He was naturally merciful to a fault; for even the puniſhment of criminals was uneaſy to him. Yet all the cruelty in the perſecution of heretics ſeemed to raiſe no relentings in him. It could not but be obſerved by all proteſtants, how much the ill influence of the popiſh religion appeared in him, who was one of the mildeſt and moſt virtuous princes of the age, ſince cruelty in the matters of religion had a full courſe under him, though it was as contrary to his natural temper as it was to his intereſt, and proved oftner than once almoſt fatal to all his affairs. His ſon Joſeph, elected king of the Romans, ſucceeded him both in his hereditary and elective dignities. It was given out, that he would apply himſelf much to buſineſs, and would avoid thoſe rocks, on which his father had ſtruck, and almoſt ſplit, and correct thoſe errors, to which his father's eaſineſs had expoſed him. He promiſed to thoſe miniſters, whom the queen and the States had in his court, that he would offer all reaſonable terms to the Hungarians; and he conſented to their ſetting on foot a treaty, in which they were to be the mediators, and become the guarantees for the obſervance of ſuch articles, as ſhould be agreed on; and he gave great hopes, that he would not continue in that ſubjection to the prieſts, to which his father had been captivated. He deſired to confer with the duke of Marlborough, and to concert all affairs with him. The queen conſented to this, and the duke ſet out from the army, and arrived on the 12th of November, N. S. at Vienna, where he was treated with great freedom and confidence, and had all the aſſurances, that could be given him in words. He found, that the emperor was highly diſſatisfied

dissatisfied with prince Lewis of Baden; but that prince had such credit in the empire, especially with the circles of Swabia and Franconia, that it was necessary to bear with that which could not be helped. The duke of Marlborough returned through the hereditary dominions to Berlin, where he learned so perfectly to accommodate himself to the king of Prussia's temper, that he succeeded in every thing that he proposed, and renewed all treaties for one year longer. He went from thence to the court of Hanover, and there he gave them full assurances of the queen's adhering firmly to their interests, in maintaining the succession to the crown in that family; with which the elector was fully satisfied; but it appeared the electress had a mind to be invited over to England. From thence he came back to the Hague, where having settled several important matters with the States-General, particularly the taking ten thousand men more into the pay of England and Holland, to reinforce Prince Eugene's army in Italy, he returned to England, and arrived at St. James's on the 30th of December (1). 1705.

Affairs in Italy.

Prince Eugene encountered this year with great difficulties in Italy. He had a weak army, and it was both ill provided, and ill paid. He was long shut up within the country of Bergamo: At last he broke through Cusano, where there was a very hot action between him and the duke of Vendosme. Both sides pretended they had the victory, yet the duke repassed the river, and the Imperialists kept the field of battle. The French threatened Turin with a siege, but they began with Chivas, which held out some months, and was at last abandoned. The duke de Feuillade com- Burnet.

(1) The earl of Sunderland was sent envoy extraordinary to the emperor Joseph, with compliments of condolance on the death of his father the emperor Leopold, and of congratulation on his imperial majesty's succession to the throne; both which had been notified to our court by count Gallas, the Imperial envoy extraordinary, upon which something happened worth remembering. It was debated in council, whether the queen and the court should go into mourning for the late emperor, and the majority of the council gave their opinion for the negative; because the emperors of Germany, assuming too great a superiority over other crowned heads, had hitherto refused to mourn for the monarchs of Great-Britain. But count Gallas, having in his master's name promised, that for the future the emperor would mourn for the kings and queens of England, her majesty went into mourning for the late emperor.

1705. manded the army near Turin, and ſeemed to diſpoſe every thing in order to a ſiege; but the deſign was turned upon Nice, though late in the year. That place made a brave reſiſtance for many weeks, but in December was obliged to capitulate, and was demoliſhed by the French.

The firmneſs, which the duke of Savoy expreſſed in all theſe loſſes was the wonder of all Europe. He had now but a ſmall army of eight thouſand foot and foun thouſand horſe, and had ſcarce territory enough to ſupport theſe. He had no conſiderable places left him but Coni and Turin. But he ſeemed reſolved to be driven out of all, rather than abandon the grand alliance. His ducheſs with all the clergy, and indeed all his ſubjects, deſired him to ſubmit to the neceſſity of his affairs. But nothing could ſhake him. He admitted none of his biſhops nor clergy into his councils, nor had any certain confeſſor, but ſent ſometimes to the Dominicans, and ſometimes to the Franciſcans, for a prieſt, when he intended to go to confeſſion.

Affairs in Spain and Portugal. Burnet. Hiſt. of Eur. Imp. Inquiry.

Gibraltar was defended with great bravery and reſolution. Sir John Leake (as has been related) who was left with part of the confederate fleet in thoſe ſeas, upon notice that Pointi, with a ſquadron of French men of war, was arrived at Gibraltar, in order to beſiege the place by ſea, as the Spaniards had done by land, ſailed from Liſbon in October, and came ſo unexpectedly, that he ſurprized two of the enemy's frigates of thirty-four guns each, one of twelve, a fire-ſhip, and two Engliſh prizes, all which, being run aſhore, were burnt; and one of thirty guns was taken. Whereupon, having reinforced the garriſon with two thouſand men, he returned to Liſbon.

In the end of February following, Sir John Leake received advice that Pointi was again arrived in the bay of Gibraltar with fourteen men of war and two fire-ſhips, and that the French and Spaniſh army deſigned to make a general aſſault upon the town. Upon this advice, Sir John Leake ſailed again from Liſbon to its relief. In his way he met admiral Dilkes, who was ſent from England to increaſe his force. By this addition he had a ſtrong fleet of thirty men of war, and therefore held on his courſe with the utmoſt expedition, hoping to find Pointi in the bay of Gibraltar. But, on the 9th of March, he diſcovered five ſail of the enemies making out of the bay to follow the reſt of their ſquadron, which went off upon the firſt notice of his approach. Theſe he immediately gave chace to, and ſoon after one of them, called the Arrogant, of ſixty guns, was taken; as were two others,

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the Ardent of ſixty-ſix, and the Marquiſe of fifty-ſix, after ſome little reſiſtance. The other two, the Magnanime of ſeventy-four, and the Lis of eighty-ſix guns, were run aſhore, and burnt by the enemies themſelves near Marbella. Sir John ſailed up the Mediterranean, to ſee if he could overtake the reſt of the French ſquadron; but, after a fruitleſs purſuit for ſome days, he returned back to Gibraltar, which was now ſo well ſupplied, that the Spaniards loſt all hopes of being able to take it, and therefore raiſed the ſiege, turning it into a very feeble blockade. 1705.

The campaign in Portugal had a very promiſing beginning. For the vigorous defence of Gibraltar, as it obliged the French and Spaniards to draw moſt of their forces that way, ſo it gave an opportunity to the Portugueſe and their allies to invade Spain, both on the frontiers of Boyra, and thoſe of Alentejo. This, however, was undertaken againſt the advice of ſome great men of the court of Liſbon, who urged, that, conſidering how much the auxiliary forces had been weakened by the detachments ſent by the lord Galway to Gibraltar, the confederate army could not take the field, till they were joined by the recruits expected from England and Holland. But the earl of Galway over-ruled that pretence, and, by his care and induſtry, the preparations for an early campaign were not much retarded by the king of Portugal's indiſpoſition, during which, the queen dowager of England was intruſted with the regency of the kingdom. Moſt of the troops appointed to take the field, being aſſembled near Eſtremos, they began their march from thence on the 24th of April, N. S. the Conde das Galveas, a Portugueſe, having the chief command; the Conde de la Corſona, the earl of Galway, and Baron Fagel, commanding under him, each his week alternately; the Conde de Villaverde, being general of the horſe, and the viſcount of Barbacena, general of the artillery. Four days after, the army, being joined by a conſiderable number of horſe and foot from Elvas, was found to conſiſt of above twenty-four thouſand men; and, having no enemy to oppoſe them in the field, the generals reſolved to attack their fortified towns. Valencia d'Alcantara was firſt beſieged, and carried by ſtorm on the 8th of May, N. S. The garriſon of Albuquerque, fearing the ſame fate, ſurrendered the place, on the 22d of that month, upon articles. After which, ſeveral councils were held, in which the earl of Galway and general Fagel propoſed the ſiege of Badajox; but it was oppoſed by the Portugueſe

Hiſt. of Europe. Impartial Inquiry.

1705. Portuguese upon several pretences. The English and Dutch generals continuing their instances, and offering several expedients to remove all difficulties, it was resolved to draw near Badajox, and endeavour to fall on marshal de Thesse, who was posted with about four thousand horse and foot on the banks of the Guadiana, to cover that important place. Accordingly the army marched on the 4th of June, N. S. and made some preparations to pass Guadiana; but, not being able to get a sufficient number of pontons to make bridges, and wanting other necessaries for a siege, it was thought proper to lay aside that enterprize, and, in the mean time, to send the troops into quarters of refreshment.

While these things passed on the side of Alentejo, the marquis das Minas, who commanded the Portuguese forces in the province of Beyra, attacked the town of Salvaterra, and made the garrison prisoners of war; after which, the Portuguese plundered and burnt Sarca, which the French garrison and inhabitants had abandoned upon their approach. But the marquis das Minas's progress was soon stopped by a body of French and Spaniards, which marched against him, and obliged him to retire to Penamacos.

Notwithstanding the earl of Galway's incessant solicitations, and the solemn engagments of the Portuguese to king Charles of Spain to take the field in the beginning of September, in order to give the Spaniards a diversion, they continued in their quarters till the end of that month, when all the confederate forces being drawn together in the neighbourhood of Elvas, several councils of war were held to regulate the operations of the autumn campaign. Some proposed to march directly to Merida, to destroy the magazines, which the enemy had in that place; others, to march into Spain another way than by Estremadura; and others again, the siege of Badajox, which the earl of Galway at last prevailed with the Portuguese to undertake, as the most proper means to give the enemy so considerable a diversion, that they should not be able to oppose the earl of Peterborough's attempt on Catalonia.

The generals being sensible, that the divisions among them about the punctilios of command had hitherto been a great obstruction to the execution of their projects, resolved if possible to prevent the like inconveniences for the future; and, in order thereto, agreed, that the earl of Galway, baron Fagel, and the conde de Corsona should command each in turn, for a week, as camp-masters-general, under

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the marquiſs das Minas generaliſſimo. This great difficulty about the command being removed, the army marched on the 1ſt of October N. S. towards Badajox, which they reached the 3d, and opened the trenches the next day. The ſiege was carried on with ſo good ſucceſs, that it was thought almoſt impoſſible, that the enterpriſe ſhould miſcarry, as it did by an unforeſeen accident. On the 11th of October, in the afternoon, a bomb of the enemy falling on one of the batteries of the beſiegers, and blowing up the powder with ſome of the gunners, the earl of Galway and baron Fagel repaired thither immediately, to encourage the ſoldiers, and give the neceſſary directions; and, as they had both their arms lifted up, a cannon-ball from an old caſtle paſſed between them, took off the ſleeve of baron Fagel, and ſtruck off the lord Galway's right hand, a little below the elbow. The earl being obliged to be carried away, baron Fagel took upon him the command of the army, and direction of the ſiege; and the batteries continued firing with ſo great execution, that the beſiegers reckoned to ſtorm the place on the 15th. But the marquiſs de Theſſe, having aſſembled three thouſand horſe and five thouſand foot at Talavera, marched the night between the 13th and 14th with ſuch expedition and ſecrecy, that in the morning they were drawn up in battalia, flanking the left wing of the confederates. After ſome time ſpent in conſultations, the whole confederate army paſſed the Guadiana, in order to fight the enemy; but the marquiſs de Theſſe, having thrown a relief of a thouſand men into Badajox, retired over the Chevera, with as great diligence as he advanced; and, on the 17th of October, N. S. the confederates thought fit to raiſe the ſiege. Baron Fagel, who being weary of a ſervice where there was little or no harmony among the generals, had ſome time before demanded and obtained to be recalled, ſet out immediately for Liſbon, and there embarked for Holland, with the mortification of having the miſcarriage before Badajox imputed to him, of which he endeavoured to clear himſelf in print. As for the earl of Galway, beſides his being condoled by the king of Portugal in a letter, and receiving another from the queen, written all with her own hand, he had the ſatisfaction of having it generally believed, that, if the diſpoſition, which he had made for preventing the enemy's deſign, and was approved in the council of war the morning he loſt his arm, had been executed, the confederates would not have been obliged to raiſe the ſiege of Badajox. 1705.

By

1705. By this time all Europe was attentive to the great ſucceſs of the confederates in Catalonia. Towards the latter end of May, the Engliſh fleet, with about five thouſand land-forces on board, under the joint command of ſir Cloudeſly Shovel and the earl of Peterborough, ſailed from St. Helen's, and arrived at Liſbon the 20th of June, N. S. a week after the Dutch fleet, commanded by admiral Allemonde, was come into that river. The earl of Galway, with the other generals, being about the ſame time come to Liſbon, ſeveral councils were held about the intended expedition of the confederate fleet: and upon the preſſing inſtances of the earl of Peterborough, the earl of Galway was prevailed with to let him take with him the beſt part of two Engliſh regiments of dragoons, the lord Raby's and Cunningham's. The prince of Heſſe d'Armſtadt, arriving at this juncture at Liſbon from Gibraltar, gave king Charles III. poſitive aſſurances of the inclinations of the province of Catalonia and kingdom of Valencia to declare for him, which, together with his being weary of Portugal, made him reſolve to try his fortune with the earl of Peterborough. This, however, was vehemently oppoſed by ſome Spaniſh grandees; but their reaſons being over-ruled by the earl of Peterborough's ſtronger arguments, the king was confirmed in his reſolution, and having ſent back the prince of d'Armſtadt, to Gibraltar, to get the garriſon of that place in readineſs to embark, he went on board the Ranelagh with the earl of Peterborough. They put to ſea on the 28th of July, N. S. and, a few days after, arrived in the bay of Gibraltar, where he was received as lawful Sovereign; and having taken on board the battalions of Engliſh guards, and three old regiments, which had lately ſo bravely defended the place, and left two new raiſed battalions in garriſon there, they ſailed again the 5th of Auguſt, N. S. Six days after they came to another in the bay of Altea, in order to water; and the earl of Peterborough cauſed a manifeſto to be publiſhed in Spaniſh, declaring, "That he "was not come into theſe parts to take poſſeſſion of any place, "in the name of her Britannic majeſty, or of the States-"general, but to maintain the juſt right of the moſt auguſt "houſe of Auſtria to the monarchy of Spain, and to defend "the good and loyal ſubjects of the Spaniſh monarchy, and "free them from the unſupportable yoke of a government "of foreigners." Hereupon, all the inhabitants of Altea, and the neighbouring villages came to acknowledge his Catholic majeſty, imploring his protection, and brought with them the fruits of the country, and other neceſſary proviſions.

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At the ſame time, about eight hundred or a thouſand men in the adjacent mountains, being weary of the French yoke, declared for king Charles III. and ſeized the town of Denea, not far from Altea bay. His catholic majeſty appointed major-general Ramos, who had aſſiſted the prince of Heſſe d' Armſtadt in the ſiege of Gibraltar, to be governor of that place, ſending with him about four hundred men for its greater ſecurity. All this while the motions of the confederate fleet not only kept the French and Spaniards in alarms, but the allies themſelves in ſuſpence; their being various conjectures about the true deſign of this expedition. It appears by a letter from on board the Britannia in Altea bay, dated Auguſt 14, N. S. "That the earl of Peterborough having got nine-"teen batalions of infantry, about one thouſand three hun-"dred horſe, with a good train of artillery, and the king of "Spain on board the fleet, his lordſhip deſigned to have gone "directly for Italy, where, with the forces that were to join "him, either from the duke of Savoy or prince Eugene, "he might have driven the French out of Italy, and ſet his "royal highneſs at liberty to employ his forces another "way. But when letters arrived at Liſbon from Turin "and Genoa, adviſing of the good diſpoſition of the Cata-"lans in favour of Charles III, that four thouſand of them "had actually taken up arms, this broke his lordſhip's for-"mer meaſures, and obliged him, contrary to his inclinations, "to frame deſigns upon Catalonia, according to new or-"ders." But whatever ground there was for this, the fleet, have failed from Altea bay about the middle of Auguſt, N. S. arrived in the bay of Barcelona the 22d of the ſame month (a). 1705.

The

(a) Biſhop Burnet ſays, The firſt deſign of this expedition was concerted with the duke of Savoy; and the forces they had on board were either to join him, or to make an attempt on Naples and Sicily, as ſhould be found moſt adviſable: There were agents employed in different parts of Spain, to give an account of the diſpoſition people were in, and of what ſeemed moſt practicable. A body of men roſe in Catalonia about Vick; upon the knowledge king Charles had of this, and upon other advertiſements, that were ſent to our court, of the diſpoſitions of thoſe of that principality, the orders which king Charles deſired were ſent, and brought by a runner, that was diſpatched from the queen to the fleet; ſo the fleet ſteered to the coaſt of Catalonia, to try what could be done there. The earl of Peterborough, who had ſet his heart on Italy, and on prince Eugene, was not a little diſpleaſed with this, as appeared in a long letter from him, which the lord treaſurer ſhewed the biſhop. Vol. II. 420.

1705. The prince of Heſſe d'Armſtadt being ſent before with two frigates, to inquire into the poſture of affairs in thoſe parts, he put into Mataro, four leagues from Barcelona; and having adviſed the people of Vick, who had declared for king Charles, to come down to the ſea-ſide, he rejoined the fleet on the 23d of Auguſt; and the infantry were landed, not only without any diſturbance, but even with the aſſiſtance of the country people, who expreſſed great joy for the arrival of the fleet, and the catholic king. The next day, the dragoons, and part of the horſe, were ſet on ſhore, and joined the reſt of the forces, which were incamped about a quarter of a mile from the town of Barcelona on the eaſt-ſide, in a place well fortified by nature. The circumference of the town being ſo large, that the forces from the fleet were not ſufficient to inveſt it, the people of the country aſſiſted them in ſecuring all the avenues.

After the artillery and heavy baggage were landed, king Charles reſolved to go on ſhore, to encourage the expedition by his preſence, and ſhew himſelf to the people of the country, who came from divers parts in great multitudes, to ſee him. Accordingly, he landed on the 28th, N. S. at four in the evening, and, when he went from on board, the whole fleet ſaluted him, that by this the inhabitants of Barcelona might be aſſured, that his catholic majeſty was come with the fleet. As ſoon as the king got on ſhore, an infinite number of people who came from Vick, and divers other towns and villages, with great acclamations, and repeated cries of Long live the king, ran to the water-ſide, caſt themſelves at his feet, and kiſſed his hand with all poſſible demonſtrations of joy, inſomuch that it was difficult for him to get from among ſo great and joyful a multitude. But at laſt, mounting on horſeback, he rid to the camp, where the forces were all drawn up in a line to receive him.

Barcelona had a garriſon in it of five thouſand men, who were commanded by officers intirely in the intereſts of king Philip. It ſeemed a very unreaſonable thing to undertake the ſiege of ſuch a place with ſo ſmall a force: They could not depend on the raw and undiſciplined multitudes, which came in to join them, who, if things ſucceeded not in their hands would ſoon abandon them, or perhaps ſtudy to merit a pardon by cutting their throats.

A council of war was called to conſult on what could be propoſed and done, in which both Engliſh and Dutch were all of opinion, that the ſiege could not be undertaken with

with ſo ſmall a force (a), thoſe within being as ſtrong as they were; nor did they ſee any thing elſe worth the attempting. They therefore thought, that no time was to be loſt, but that they were all to go again on board, and 1705.

to

(a) Dr. Friend, in his account of the earl of Peterborough's conduct in Spain, p. 9. 3d edit. obſerves. That his lordſhip, upon encamping before Barcelona, found the ſcene of affairs quite otherwiſe, than what he was promiſed he ſhould meet with. Inſtead of ten thouſand men in arms, to cover his landing, and ſtrengthen his camp, he ſaw only ſo many higlers and ſuttlers flocking into it. Inſtead of a city in a weak condition, and ready to ſurrender upon the appearance of his troops, he found an orderly garriſon, and a force almoſt equal to his army. In theſe difficulties, his lordſhip, as he was obliged by his inſtructions, called frequent councils of war; wherein day after day, for above a fortnight together, it was often unanimouſly, and always by a majority, agreed, that, conſidering the weakneſs of our forces, and the ſtrength of the enemy; conſidering, that our batteries, as our engineers declared, would be almoſt as long a raiſing on the ſide of the town we were maſters of, as the fleet could well ſtay: In ſhort, conſidering the extreme want of every thing neceſſary towards ſuch an attempt, the ſiege was utterly impracticable. His lordſhip did indeed twice give his vote for the undertaking; but from the councils of war it will appear, that it was only out of the extreme paſſion he had to comply with the king of Spain's deſires, and not out of any confidence he had of ſucceeding. At the ſame time his lordſhip propoſed and offered to his majeſty either to ſail with the whole fleet to Italy, in order to ſupport the duke of Savoy; or to march by land along the ſea-coaſt, where, with the countenance and aſſiſtance of the fleet, many towns of conſequence might be reduced, the whole country diſpoſed to declare for, and pay obedience to his catholic majeſty, as ſome part of the neighbouring parts had done; and, upon any reaſonable encouragement from Catalonia, and the kingdoms of Valentia and Arragon, winter-quarters might be ſecured, and a body of troops raiſed out of them, which might enable his majeſty to march to Madrid next ſpring. But the author of the Impartial inquiry into the management of the war in Spain, printed at London in 1712. in 8vo. obſerves, p. 27. that this extreme paſſion, which the earl of Peterborough had to comply with the king of Spain's deſires, did not laſt long, as appears from thoſe very councils of war, which were publiſhed by Dr. Friend; for in the firſt council held on the 16th of Auguſt, 1705. O. S. the ſiege of Barcelona was judged impracticable, nemine contradicente; on the 22d a particular attack upon the curtain was propoſed, and the earl the only perſon, who approved it; on the 25th a general attack was pro-

1705. to conſider what courſe was next to be taken before the ſeaſon was ſpent, when the fleet would be obliged to return back again; and if they could not fix themſelves any where before that time, they muſt ſail back with the fleet. The prince of Heſſe d' Armſtadt only was of opinion, that they ought to ſit down before Barcelona, alledging, that he had ſecret intelligence of the good affections of many in the town, who were well known to him, and on whom he relied; and he undertook to anſwer for their ſucceſs. This could not ſatisfy thoſe, who knew nothing of his ſecrets, and conſequently

propoſed for eighteen days, which was agreed to only by the earl, and the brigadiers Stanhope and St. Amand; and on the 26th it was reſolved by all the generals, at the king of Spain's requeſt, to try their fortune eighteen days before the town. But on the 28th another council was held, wherein the earl was as forward as any for embarking the troops again; and ſeems to have furniſhed the generals with the reaſons of that reſolution; which is the more probable, becauſe the reaſons alledged in that council were, that they had not been aſſiſted either by the fleet, or the country people as they expected; that the king was uncertain in his reſolutions, ſometimes for a march, ſometimes for a ſiege; and that the deputies of the Catalans had declared to his lordſhip, that they would not promiſe any number of men to work in the trenches or batteries, or in any places where they ſhould be expoſed to fire. It is certain, that in the council of the 26th, when the generals reſolved to try their fortune for eighteen days before the town, it was deſired, that the fleet would furniſh a certain number of men; and that the prince of Heſſe ſhould procure a proportion of miquelets; upon which, the earl of Peterborough having ſigned this council in the affirmative as general, wrote a letter to the prince of Heſſe, and ſent brigadier Stanhope to make a demand of men in behalf of the land-council of war from the flags; but coming on board himſelf the ſame day, in regard to the ſafety of the fleet, his lordſhip gave his opinion in writing as admiral, directly contrary to his opinion and requeſt as general; as appears from the earl's letter to the prince of Heſſe of the 27th of Auguſt, and his opinion at a council of war, of Engliſh and Dutch flag-officers held on board the Britannia, Aug. 27, 1705. 'Thus, 'ſays the author of the Impartial inquiry, p. 32. his lordſhip 'having voted only conditionally as general for undertaking the ſiege of Barcelona, and 'having afterwards diſagreed 'to the performance of that 'condition as admiral, we may 'reaſonably conclude he did 'not vote for undertaking the 'ſiege at all, and yet had a 'mind the experiment ſhould 'be made at the hazard of the 'other admirals in his abſence.

'But

quently could only judge of things by what appeared to them. The debate laſted ſome hours: In concluſion the king himſelf ſpoke near half an hour; he reſumed the whole debate; he anſwered all objections, that were made againſt the ſiege, and treated every one of thoſe, who had made them, as he anſwered them, with particular civilities. He ſupported the truth of what the prince of Heſſe had aſſerted, as being known to himſelf. He ſaid in the ſtate, in which his affairs then ſtood, nothing could be propoſed, that had not great difficulties in it: All was doubtful, and much muſt be put to hazard. But this ſeemed leſs dangerous than any other thing, that was propoſed; many of his ſubjects had come and declared for him to the hazard of their lives; it became him therefore to let them ſee, that he would run the ſame hazard with them. He deſired, that they would ſtay ſo long with him, till ſuch attempts ſhould be made, that all the world might be convinced, that nothing could be done; and he hoped, that till that appeared, they would not leave him. He added, that, if their orders obliged him to leave him, 1705.

'But however contradictory 'theſe two opinions may ap- 'pear, and however oppoſite 'they may have really been to 'his catholic majeſty's intereſt; 'this is not the only inſtance 'his lordſhip has given under 'his own hand, of the little in- 'clination he had to contribute 'to the reduction of Catalonia, 'as will plainly appear by ſe- 'veral original papers.—Now, 'as to what regards the king of 'Spain's reſolution, I think 'that may eaſily be accounted 'for from the different temper 'of his two generals, the prince 'of Heſſe coutinually adviſing 'his majeſty to preſs the ſiege; 'my lord Peterborough as aſ- 'ſiduous to make him lay aſide 'all thoughts of it; as may 'be ſeen very evidently from 'the following letter to ſir 'Cloudeſly Shovel from the 'prince of Heſſe, dated at the 'camp, Sept. 8. 1705. where- 'in he writes thus: "His ca- "tholic majeſty, being in the "greateſt trouble in the world "to find my lord Peterborough "again reſolved to leave this "enterprize, hath his only re- "courſe to you; his majeſty "declaring, that, if his lordſhip "perſiſts in his reſolution to go "away, his majeſty finding, "that without reaſon his crown "and ſo good ſubjects ſhall "be ſacrificed, is reſolved to "ſtay with them, happen what "will. This I muſt acquaint "you with, in hopes that you "will never permit ſuch a "cruel abandoning, and to take "your meaſures accordingly. "The king begs it of you as "the laſt favour, and intreats "you in the moſt ſubmiſſive "manner, to find out a way, "that his majeſty may not be "the ſacrifice of fools and "knaves."

1705. him; yet he could not leave his own ſubjects. Upon this, they reſolved to ſit down before Barcelona, being all amazed to ſee ſo young a prince, ſo little practiſed in buſineſs, argue in ſo nice a point with ſo much force, and conclude with ſuch heroical reſolutions. This proved happy in many reſpects. It came to be known afterwards, that the Catalans and Miquelets who had joined them, hearing that they were reſolved to abandon them and go back to their ſhips, had reſolved, either out of reſentment, or that they might merit their pardon, to murder as many of them as they could. When this ſmall army ſat down before Barcelona, they found they were too weak to beſiege it, and could ſcarce mount their cannon. When they came to examine their ſtores, they found them very defective, and far ſhort of the quantities, that by their liſts they expected to find. It ſoon appeared, that the intelligence was true concerning the inclinations of thoſe in the town; their affections were intire to king Charles; but they were overawed by the garriſon, and by Velaſco, who, as well as the duke of Popoli, who had the chief command, was devoted to the intereſts of king Philip. Deſerters came daily from the town, and brought them intelligence: the moſt conſiderable thing was, that fort Montjuic was very ill guarded, it being thought above their ſtrength to make an attempt upon it. It was concluded therefore, that all the hopes of reducing Barcelona, lay in the ſucceſs of their deſign on that fort (a).

Two

(a) Dr. Friend, in his account of the earl of Peterborough's conduct in Spain, p. 32, ſays, that his lordſhip "now "made uſe only of his own "thoughts, and by an uncom- "mon artifice made that never "to be forgotten attack upon "fort Montjuic, the very foun- "dation of all our footing in "Spain. This, I know, ſome "would attribute to the late "prince of Heſſe. That brave "prince indeed had too great "a ſhare in the danger of this "undertaking; but, as he had "no command in the army, "ſo he was not in the leaſt "concerned in the forming of "this deſign.—The injudici- "ous, or rather impracticable "propoſals made by the prince "of Heſſe, and inſiſted upon "by him to the laſt, were the "occaſion of theſe unanimous "councils of war againſt an "enterpriſe which promiſed "ſuch certain ruin; and the "freedoms taken in diſcourſe "by that prince had prevented "any correſpondence for ſome "time between him and the "earl of Peterborough. So "far was this project againſt "Montjuic from being propo- "ſed by that prince to his lordſhip,

Two bodies were ordered to march ſecretly in the night of the 13th of September, N. S. and to move towards the other ſide of Barceloná, that the true deſign might not be ſuſpected, for all the hopes of ſucceſs lay in the ſecrecy of the attack upon Montjuic and taken. 1705.

"lordſhip, that in truth the earl of Peterborough was forced to make it a ſecret even to the court, where reſentments were very public and remarkable, upon the orders to embark the artillery and the king's baggage, which his lordſhip gave out, the better to diſguiſe his real deſign. Nay, the excuſe the earl of Peterborough made to the prince of Heſſe for inviting him to aſſiſt in an action he could not yet acquaint him with, was, that the indiſpenſable neceſſity of deceiving the enemy, had made him reſolve to ſurpriſe his friends in an attempt, which, however deſperate, was yet the only poſſible way of carrying on the ſiege with ſucceſs."

On the other hand, the author of the Impartial inquiry into the management of the war in Spain, p. 35, aſſures us, that the earl's project, for that time at leaſt, was of a quite different nature from that of the attack upon fort Montjuic; which he proves from the following original papers viz. a letter from the prince of Heſſe to Sir Cloudeſly Shovel from the camp, Septemb. 10, 1705, in which are theſe words:

'I do not doubt captain Norris hath given you an account of what happened yeſterday. Notwithſtanding, the king hath ordered me to acquaint you of all the particulars. Having found that the land-officers were not to be reduced to conſent to the attack upon this place, my lord Peterborough hath been at laſt diſpoſed to offer to the king, for an expedient, the march to Tarragona, and from thence to extend our quarters to Tortoſa, and even into Valencia: which the king willingly accepted, as the only hopes left for him, that might conduct him to the throne, ſeeing that nothing elſe could be done; ſo that this march is now fully reſolved upon for next Monday or Thurſday. The king, at the ſame time, deſires of you to conſider, that, his perſon ſtaying in this kingdom, if it would not be ſerviceable, that the fleet, or part of it, during our march, ſhould make themſelves maſters of Majorca, or Minorca, and Ivica, where no reſiſtance can be made; and then to leave in the winter ſome ſquadron of light frigates in the Alfaques, and to ſecure Port-Mahon with another; which place, you know, is large enough, ſo that ten years ago the whole Smyrna and Turky fleet came there to an anchor. Then his majeſty deſires your opinion, before we leave this place, if it would not be convenient to throw ſome ſhells, and cannonade the place, where they build their gallies, and there to ſummon the

1705. the march. The firſt body conſiſted of eight hundred, and both the prince of Heſſe and the earl of Peterborough led them. The other body conſiſted of ſix hundred, who were to follow theſe at ſome diſtance, and were not to come above

' town, and then to make ſome ' attack with boats and with ' ladders by the country-people, ' according to the anſwer the ' governor ſhall give; all which ' I leave to your beſt conſide- ' ration. His catholic majeſty ' relies in every part on your ' good zeal and particular love, ' you have ſhewn on all occa- ' ſions to his perſon, and ſhall ' always owe to you the good ' ſucceſs of this undertaking.'

The next paper cited is the king of Spain's agreement to the expedient propoſed to him by the earl of Peterborough, dated at the camp September 16, N.S. 1705, in theſe words:

' My lord earl of Peterborough, ' I accept the offer you make ' me, ſeeing, by the reſolutions ' of the councils of war, there ' remains nothing elſe to ſup- ' port me in Spain; ſo that, I ' aſſure you, I ſhall remain ' poſitive in the reſolution of ' marching into the country, ' being what you may take up- ' on yourſelf, and juſtify it, ' becauſe the council of war ' had determined upon it. For ' the reſt of the diſpoſitions ' and particulars of the march, ' and of further deſigns to be ' formed, they will be eaſily ' regulated by you, and thoſe ' perſons that I ſhall appoint ' to aſſiſt you on my part, re- ' poſing an intire truſt in you, ' and the zeal you expreſs to ' my ſervice.'

The author of the Impartial inquiry then takes notice of Dr. Friend's not allowing the prince of Heſſe any ſhare in the deſign againſt Montjuic, becauſe of the open miſunderſtanding at that time between that prince and the earl of Peterborough, who even concealed that deſign from the court, ' And yet, ſays the au- ' thor of the Impartial inquiry, ' the prince of Heſſe went vo- ' lunteer upon this project, ' which one would think he ' ſhould hardly have done in ' thoſe circumſtances, had the ' thought been intirely my lord ' Peterborough's, and kept a ' ſecret from his highneſs till ' the execution. But to ſay ' nothing of the prince's longer ' ſervice and experience, and ' to paſs over the improbability ' of his lordſhip's having formed ' in ſo little a time as one night ' a happy project againſt a ' fort, which he could not poſ- ' ſibly know ſo well as the ' prince, that had been viceroy ' of Catalonia in king Charles ' IId's time, and had defended ' Barcelona againſt the duke of ' Vendoſme; let us examine ' into the ſucceſs of this attack, ' which was, that a party of ' grenadiers, ſupported by the ' prince of Heſſe, carried all ' before them, and made them- ' ſelves maſters of the out- ' works; but the taking of the ' Dungeon, which began to be ' deſpaired of, was afterwards ' intirely owing to the acciden- ' tal firing of a bomb, that ' blew up the enemy's maga- ' zine

above half way up the hill till ſome further order. Brigadier Stanhope led this body. They drew up with them ſome ſmall field-pieces and mortars. They had taken a great compaſs, and had marched all night, and were much fatigued by 1705.

'zine of powder, and frighted 'them into a ſurrender, which 'happy accident was the chief 'occaſion of our taking Bar'celona. For my part, I ſhall 'not pretend to determine who 'has the beſt right to the glory 'of this project; but it is cer'tain the prince of Heſſe was 'no ſtranger to it.' The author then gives ſeveral letters to Sir Cloudeſly Shovel from that prince, who, in that of the 8th of September, N. S. writes thus:

'As his catholic majeſty has 'heard nothing of my lord 'Peterborough's talking again 'of a ſudden embarking, he 'hopes it will not be ſo; and 'deſires me to tell you, that, 'if it could be done, being the 'reſolutions of the council of 'war, to land as ſoon as poſſi'ble all the guns, and every 'thing neceſſary to hinder any 'reſolution to be taken to the 'contrary.'

In another, dated September 9, N. S. the prince writes thus:

'Since the land-officers are 'ſo diſpoſed now to depart from 'their laſt reſolution, and the 'king finding himſelf obliged 'in honour and in conſcience 'not to abandon ſo good ſub'jects, who have demonſtrated 'to him all the zeal imagina'ble, more than the two-thirds 'of the country having put 'themſelves under the obedi'ence of their lawful king, ſo 'that he can by no means leave 'them to their utmoſt ruin, as 'his majeſty has ſignified to day 'to my lord Peterborough, de'ſiring of him ſome expedient, 'and being very willing to fol'low his advice; I believe the 'only way which is left, is, 'that my lord may be diſpoſed 'to follow the reſolutions taken 'by a council of war for a 'march, as you are informed 'without doubt, ſuch as has 'been taken to make ourſelves 'maſters of Tarragona, to keep 'the Dutch with us, and then 'to extend our winter-quarters 'to Tortoſa, and even into 'Valencia, as occaſion ſhall 'permit. This his majeſty de'ſires of you to interpoſe with 'his lordſhip to come to a de'termination how far he can 'aſſiſt his majeſty in this; 'which favour his majeſty will 'eſteem as the moſt particular 'and only expedient left to pre'ſerve ſome hopes of being put 'into the poſſeſſion of the 'crown of Spain.'

In his letter of the 13th of September, N. S. the prince writes thus:

'I heard juſt now, that cap'tain Cavendiſh is to ſail im'mediately, according as the 'king of Spain deſired, as you 'have writ to the earl of Pe'terborough. But I having 'not been with the king to day, 'and ſome particular ſervice 'being reſolved [the attack on 'Montjuic] as captain Norris 'will tell you, when he comes 'back, I take the liberty to 'deſire of you the favour, if

1705. by the time that they had gained the top of the hill; and three hundred of them, being commanded to another ſide of the fort, were ſeparated from the reſt, and, miſtaking their way, fell into the hands of a body of men ſent up from the town to reinforce the garriſon in the fort. Before they were ſeparated, the whole body had attacked the out-works, and carried them. But, while the prince of Heſſe was leading on his men, he received a ſhot in his body, upon which he fell; yet he would not be carried off, but continued too long in the place giving orders, and died in a few hours, much and juſtly lamented. The governor of the fort, ſeeing a ſmall body in poſſeſſion of the out-works, reſolved to ſally out upon them, and drew up four hundred men for that purpoſe. Theſe would ſoon have maſtered a ſmall and wearied body, diſheartened by ſo great a loſs; ſo that, if he had followed his own reſolution, all would have been loſt; for all that brigadier Stanhope could have done, would have been to receive and bring off ſuch as got to him; but one of thoſe newly taken happening to cry out, 'O poor 'prince of Heſſe!' the governor hearing this, called for him, and examined him; and when he learned that both the prince of Heſſe and the earl of Peterborough were with that body, he concluded, that the whole army was certainly coming up after them; and, reflecting on that, he thought it

' poſſible, to ſtop captain Ca-
' vendiſh's proceeding till to-
' morrow morning. Captain
' Norris will inform you more
' at large about the matter in
' queſtion. My lord Peterbo-
' rough deſires me to write theſe
' lines, and hopes, that this
' night's buſineſs will make us
' all eaſy.'

The author of the Impartial inquiry then gives us two letters of Sir Cloudeſly Shovel, which not only contain an exact journal of the ſiege, but likewiſe ſhew, that ſomething was due in the reduction of Catalonia to the good diſpoſition of the people, and a great deal to the aſſiſtance of the fleet.

Mr. Boyer, in his hiſtory of queen Anne, p. 203, aſſerts, That it was the prince of Heſſe who propoſed to the earl of Peterborough the ſcheme of ſurpriſing the fort of Montjuic, and deſired, that his lordſhip would give him only a thouſand men for that purpoſe, offering himſelf to conduct and command them; and that the earl having taken a view of that fort, and of the town on that ſide, and maturely weighed his highneſs's reaſons, and conſidered the manner in which he intended to proceed in the attack, not only concurred with the prince, and readily granted him the thouſand men he deſired, but likewiſe reſolved to ſupport his highneſs himſelf with a thouſand men more, and ſome dragoons.

it was not fit for him to expoſe his men, ſince he believed, 1705.
that the body which they were to attack, would be ſoon much ſuperior to him; for which reaſon he reſolved not to riſque a ſally, but to keep within, and maintain the fort againſt them. Thus the earl of Peterborough continued quiet in the out-works, and being reinforced with more men, he attacked the fort, but with no great hopes of ſucceeding, till throwing a few bombs into it, one of them fell into the magazine of powder, and blew it up, by which the governor and ſome of the beſt officers were killed; Sept. 7,
and this ſtruck the reſt with ſuch a conſternation, that they N. S.
delivered up the place.

This ſucceſs was the more conſiderable, as the town of Barcelona lay juſt under the hill on which the fort ſtood. Upon this, the party in Barcelona that was well-affected to king Charles, began to reſume their courage, and to ſhew themſelves. Nor did the earl of Peterborough loſe any time in improving his advantages, for, as ſoon as Stanhope's brigade, and ſome other troops were come up, he cauſed the trenches to be opened, and four batteries of cannon, and two of mortars, to be erected; in which ſervice, both the Miquelets and the Engliſh and Dutch ſeamen were very uſeful. In the mean time, the bomb-veſſels threw about four hundred ſhells into the town, which occaſioned a great conſternation among the people; and the batteries fired with ſo much ſucceſs, that, on the 4th of October, N. S. Don Franciſco de Velaſco conſented to capitulate; and brigadier Stanhope was exchanged, with count de Ribeira, as hoſtages. The viceroy made ſeveral extravagant demands, the debating of which continued till the 9th, when it was agreed, that the garriſon ſhould march out with all the marks of honour, be tranſported by ſea to St. Felix near Palamos, and conducted from thence to Gironne. But, upon advice that Gironne had ſurrendered to king Charles III. it was agreed, that Velaſco, with his garriſon, ſhould be tranſported to Roſes, which, by this time, was the only place in Catalonia that had not declared for the houſe of Auſtria. Thus was accompliſhed the conqueſt of the largeſt and richeſt province of Spain, with an army ſcarce double the number of the garriſon of Barcelona.

King Charles was received into that city with great expreſſions of joy. In the firſt tranſport, the people ſeemed reſolved to break through the articles granted to the garriſon, and to make ſacrifices of the chief officers at leaſt. Upon that, the earl of Peterborough, with brigadier Stanhope and

1795. other officers, rode about the ſtreets to ſtop this fury, and to prevail with the people to maintain their articles religiouſly; and, in doing this, they run a greater hazard from the ſhooting and fire, that was flying about in that diſorder, than they had done during the whole ſiege. They at laſt quieted the people, and the articles of capitulation were punctually obſerved.

King Charles ſends the queen an account of his affairs. Burnet.

Brigadier Stanhope was ſoon after ſent to England, to give a full relation of this great tranſaction; by whom king Charles wrote to the queen a long and clear account of all his affairs, full of great acknowledgements of her aſſiſtance, with a high commendation of all her ſubjects, eſpecially of the earl of Peterborough. This letter was all written with the king's own hand, and the French of it was ſo little correct, that it was not like what a ſecretary would have drawn for him, and therefore it was concluded, that it was penned by himſelf. The lord-treaſurer had likewiſe another letter from him, all in his own hand; one correction in which ſeemed to make it evident, that the king compoſed it himſelf (a). He wrote, towards the end of the letter, that he muſt depend on his protection: upon reflection, that word ſeemed not fit for him to uſe to a ſubject, and therefore was daſhed out, but the letters were ſtill plain; and, inſtead of it, application was writ over it. Theſe letters gave a great idea of ſo young and unexperienced a prince, who was able to write with ſo much clearneſs, judgment, and force. Nor could he receive much aſſiſtance from the prince of Lichtenſtein, who was, by all accounts, a man of a low genius, who thought of nothing but the ways of inriching himſelf, even at the hazard of ruining his maſter's buſineſs.

A council of war being held at Barcelona, it was thought fit to comply with the king's reſolution of venturing his own perſon with the Catalans; and that the earl of Peterborough ſhould continue with that prince with the land-forces, and as many of the marines as could be ſpared from the ſervice of the ſhips. The ſeaſon of the year being far ſpent, it was, at the ſame time, reſolved, That Sir Cloudeſly Shovel and admiral Allemonde ſhould return home immediately; that twenty-five Engliſh and fifteen Dutch men of war ſhould winter at Liſbon, under the command of Sir John Leake and rear-admiral Waſſenaer; and that four Engliſh and two Dutch frigates ſhould be left at Barcelona. The fleet ſailed from thence a few days after; and Don Velaſco, not thinking himſelf ſafe at Roſes, and having deſired to be

tranſported

(a) Biſhop Burnet ſaw both theſe letters.

tranſported to Malaga, was landed there, with about a thouſand men of the garriſon of Barcelona. The reſt having readily liſted themſelves in the ſervice of king Charles, a regiment of five hundred dragoons was formed out of them for his guard; and ſix other regiments were afterwards raiſed by the ſtates of Catalonia. 1705.

While the well-affected Miquelets and Catalans, headed by the count de Cifuentes, and aſſiſted by the Engliſh and Dutch forces, ſecured themſelves in the cities and towns of Tarragona, Tortoſa, Lerida, San Matthéo, Gironne, and other places, don Raphael Nebot, a Catalan, having quitted king Philip's ſervice, came with his whole regiment of five hundred horſe, and one hundred and fifty horſe more, that joined him, to Denia, where being reinforced by major-general Ramos, with part of the garriſon, they made themſelves maſters of Xabea, Oliva, Gandia, and Alxira, in the kingdom of Valencia. Flufhed with theſe ſucceſſes, they marched to the capital city with a thouſand horſe, five hundred foot, and a great number of the militia; and, by the aſſiſtance of ſome of the inhabitants, made themſelves maſters of that place; where they took the marquis de Villa-Garcia, the vice-roy, and the archbiſhop priſoners. Hereupon, the whole kingdom, the towns of Alicant and Peniſola excepted, declared for king Charles III, who immediately raiſed colonel Nebot to the poſt of a major-general; and, a few days after, appointed the count de Cifuentes, viceroy of Valencia, at which the earl of Peterborough, who began to be jealous of that count, was not a little diſguſted. Dec. 29, N. S.

In the firſt conſultation about the war, after the taking of Barcelona, the earl of Peterborough was of opinion, that the forces ſhould be divided, and the better half march immediately into Valencia, the reſt into Arragon. The Engliſh and Dutch major-generals, Cunningham and Schratenbach, were againſt fatiguing and diminiſhing the troops; which they thought muſt be preſerved with the utmoſt care, ſince they were hardly ſufficient to defend the places already poſſeſſed in Catalonia. The latter opinion prevailed; and reſt could hardly be refuſed to troops, which had undergone ſuch hardſhips at ſea, and the fatigues of ſuch a ſiege. However, the earl of Peterborough obtained an univerſal conſent to ſend a good body to Lerida, and about one thouſand foot and two hundred horſe to Tortoſa, the bordering city on the kingdom of Valencia. With this ſmall force he impatiently preſſed for marching into Valencia; but Campaign in Valencia. Friend.

1705. there were ſome at court, who were better pleaſed, that the reduction of that kingdom ſhould be procured by their correſpondence and management, than that it ſhould be owing to her majeſty's arms. In the mean time, the city of Valencia was brought to declare for the houſe of Auſtria; but the rejoicings upon this occaſion were of ſhort continuance, and the diviſions at the court of Barcelona gave the enemy time to bring a body of three thouſand horſe and as many foot into the kingdom of Valencia, under the command of the Conde de las Torres, a general of known courage and of long ſervice; who laid ſiege to St. Mattheo, where colonel Jones commanded ſome hundreds of Miquelets. This place being of ſo great importance by its ſituation, in regard that all communication between Catalonia and Valencia muſt have been cut off, had it fallen into the enemy's hands, the news of its being beſieged gave great alarm at the court. However, upon a report that the country people of Catalonia, Valencia, and Arragon had taken up arms, to the number of ſixteen thouſand men; that they had ſurrounded count Tilly, who had with him one thouſand horſe and one thouſand foot; and that there was nothing wanting to the intire deſtruction of thoſe troops before St. Mattheo, but a few officers, and ſome of the diſciplined troops, that were in Tortoſa, to encourage and direct this multitude, ſo conveniently poſted, the king ordered the earl of Peterborough to give ſpeedy directions in it. The earl regretted the loſt time too much to loſe one moment more; and, inſtead of ſending to a ſubaltern the orders required, he immediately went poſt to Tortoſa; and, though St. Mattheo was above thirty leagues from Barcelona, in about eight days from his departure, he found ways to raiſe that ſiege, though the report of the country's being up in arms was not true, and though he had nothing to depend upon, but one thouſand foot, and two hundred dragoons. The methods taken in effecting this were as much out of the common road, as the reſolution to attempt it (a).

Dec. 31, N. S.

After

(a) Dr. Friend gives a particular account of this affair, and ſays, p. 206, that the enemy was before St. Mattheo with between two thouſand three hundred horſe, and about four thouſand foot, whereas his lordſhip had nothing to depend upon but one thouſand foot and two hundred dragoons. It is not hard to gueſs what the general opinion was in theſe circumſtances; neither did his lordſhip endeavour to perſuade the

After the raiſing of the ſiege of St. Mattheo, the earl of Peterborough reſolved to make a ſhew of purſuing the enemy, without intirely expoſing his little body, if they ſhould be better informed, and lay aſide their panic fear; and 1705.

the officers, that it was reaſonable to approach ſuch numbers with ſo inconſiderable force, but only made them ſenſible, that unleſs he could raiſe that ſiege, their affairs were deſperate, and therefore only capable of deſperate remedies. Upon which, he deſired his officers to be content to let him try his fortune, whether he could not by diligence and ſurpriſe effect that, which by downright force was utterly impracticable. The confidence which theſe gentlemen had in the earl's care and intelligence, made them on all occaſions approve of, or acquieſce at leaſt in his deſigns, whatever difficulties might ſeem to lie in the way. It is certain, the Conde de las Torres had not the leaſt notice of any enemy, till thoſe employed by the earl of Peterborough gave him the account; which was in ſuch a manner contrived by his lordſhip, and performed by his ſpies, that it obtained the deſired effect. His lordſhip never made uſe of any Spaniards, without getting the whole family in his poſſeſſion, to be anſwerable for thoſe he employed: and, as the people of that country have very good natural parts, and will run any hazards for money, it was hard for the general of the other ſide to avoid being impoſed upon, without renouncing all intelligence, and refuſing credit to every thing, though never ſo probable.

By marches in the mountains, by dividing his troops, and by the help of obſcurity, his lordſhip brought all his men to meet in one night at a place called Traguera, within ſix miles of the enemy's camp; and there, having got them within the walls, by his diligence and care he prevented any perſon from going out of town to give the enemy intelligence. He begun his march before day, and having with a ſmall party viewed the woods and hills, he placed a few dragoons and miquelets ſo conveniently, that they could not be ſeen but by thoſe they had already paſſed by, which his lordſhip took care to ſecure; ſo that all the ſoldiers were brought to their reſpective poſts, to appear at an hour prefixed, ſoon after his lordſhip's ſpies had made the intended impreſſion on the enemy's army. What this ſtratagem was, and what influence it was deſigned to have upon the enemy, will be beſt conceived from this letter, which his lordſhip wrote to colonel Jones, who was then governor of St. Mattheo.

'You will hardly believe 'yourſelf what this letter in'forms you of, if it comes ſafe 'to you; and, though I have 'taken the beſt precautions, it 'will do little prejudice if it 'falls into the enemies hands, 'ſince they ſhall ſee and feel 'the troops, as ſoon almoſt as

they

1705. and therefore, while they marched through a narrow plain leading to Valencia, the earl took along the edge of the hill, to a place called Albocazor. Here he received an expreſs from the king, with the melancholy account, "That the

'they can receive intelligence, 'ſhould it be betrayed to them. 'The end for which I venture 'it to you, is, that you may 'prepare to open the furtheſt 'gate towards Valencia, and 'have your thouſand miquelets 'ready, who will have the employment they love and are 'fit for, the following and pillaging a flying enemy. The 'country is as one could wiſh 'for their intire deſtruction. 'Be ſure, upon the firſt appearance of our troops, and the 'firſt diſcharge of our artillery, 'you anſwer with an Engliſh 'halloo, and take to the mountains on the right with all 'your men. It is no matter 'what becomes of the town; 'leave it to your miſtreſſes. 'The Conde de las Torres muſt 'take the plains, the hills on 'the left being almoſt impaſſable, and ſecured by five or 'ſix thouſand of the country-people. But what will moſt 'gall them, the old regiment 'of Nebot, which revolted to 'us near Valencia, is likewiſe 'among them.

'I was eight days ago myſelf in Barcelona, and I believe the Conde de las Torres 'muſt have ſo good intelligence 'from thence, that he cannot 'be ignorant of it. What belongs to my own troops, and 'my own reſolutions, I can 'eaſily keep from him, though 'nothing elſe. You know the 'force I have, and the multitudes that are gathering from 'all parts againſt us; ſo that 'I am forced to put the whole 'upon this action; which muſt 'be deciſive, to give any hopes 'to our deſperate game.'

'By nine or ten, within an 'hour after you can receive this, 'aſſure yourſelf you will diſcover us on the tops of the hills, 'not two cannon-ſhot from the 'camp.

'The advantages of the ſea 'are inconceivable, and have 'contributed to bring about 'what you could never expect 'to ſee, a force almoſt equal to 'the enemy in number; and 'you know leſs would do our 'buſineſs. Beſides, never men 'were ſo tranſported, to be 'brought with ſuch ſecrecy ſo 'near an enemy. I have near 'ſix thouſand men locked up 'this night within the walls of 'Fraguera; I do not expect 'you ſhould believe it, till you 'ſee them.

'You know we had a thouſand foot and two hundred 'dragoons in Tortoſa. Wills, 'and a thouſand foot, Engliſh 'and Dutch, came down the 'Ebro in boats; and I embarked a thouſand foot more 'at Tarragona, which I landed 'at Virares; and the artillery, 'from thence I brought in 'country carts. It was eaſy to 'aſſemble the horſe. Zinzendorf and Moras are as good 'as our own, and with our 'Engliſh dragoons make in all 'near two thouſand. But the 'whole depends upon leaving

'them

" the duke of Noailles was entering, with near eight thou- 1705.
" ſand men, in Catalonia, from the ſide of Rouſſillon:
" that the body under prince Tſercles Tilly in Arragon
" was four or five thouſand, preſſing upon all the places
" near Lerida: that the duke of Anjou, with marſhal de
" Theſſe, was forming a body of ten thouſand men near
" Madrid,

' them to retreat without in-
' terruption.

' Dear Jones, prove a good
' dragoon; be diligent and
' alert, and preach that wel-
' come doctrine to your miquelets,' " Plunder without dan-
" ger." Your friend,

PETERBOROUGH.

This letter was given to two ſeveral perſons; the one inſtructed and ordered, by ſuch an hour in the morning, to pretend the betraying of it into the hands of the Conde de las Torres; the other was to remain hid in the mountains, and agreed with to endeavour to give it in the night to colonel Jones. This man was really perſuaded, that the number of troops was as conſiderable as was pretended. The firſt was ordered to ſay nothing of the earl of Peterborough's force, leſt he might be expoſed to ill uſage, when the truth came to be diſcovered. When he had given the letter, he had directions to inform where the other ſpy was hid, upon condition made for the ſecurity of his life. Whether the artificial account of the one, or the ſincere confeſſion of the other prevailed, is not known; but it is certain, that as ſoon as the letter was tranſlated, orders were given to prepare for a march; and, not long after, when, upon a retreat of a ſmall part of the enemy, ſome of the earl's men approached the top of the hill, which overlooks St. Mattheo, the whole army was in the utmoſt confuſion, the ſoldiers ſtriking their tents, loading their baggage, and preparing to quit the ſiege.

In a very little time the troops of the earl of Peterborough appeared on the top of the adjoining mountain, not above random cannon-ſhot from ſome part of the enemies camp. The country which was full of little riſing grounds and vallies, and covered with olive-trees, being favourable for ſuch an approach, and the enemies advanced party being drawn into the camp before any judgment could be formed of the earl's ſtrength, it was eaſy for him to make a ſhew of his forces to advantage. This ſurpriſe made their fears as great as could be deſired; and had the earl had any proportion of troops, he had a fair opportunity of cutting them all off. But he was content to let ſeven thouſand men go off without being attacked, and thought it enough to raiſe the ſiege with a force ſo diſproportionate as that of one thouſand two hundred; after his lordſhip found, not only all the informations, which engaged him in that attempt, intirely wrong, but his circumſtances ſo very difficult, as would have deterred any other man from ſo hazardous an undertaking.

1705. "Madrid, which would ſoon be in motion; beſides the "troops under the duke of Berwick on the ſide of Por- "tugal." After theſe informations, the king acquainted him, that he was obliged to countermand the one thouſand foot, and three hundred horſe, which were appointed to join him, and were already come almoſt as far as Tortoſa. The letters from court at the ſame time repreſented the neceſſity of defending Catalonia, and, above all, the care and preſervation of the king's perſon; but, however, in this matter the earl had no poſitive orders from the king. In theſe circumſtances, he adviſed with his officers, who were unanimouſly of opinion, that all endeavours ought to be uſed for the ſpeedy defence of Catalonia. The earl ſo far complied with the council of war, as to give orders to the foot, with a ſmall party of horſe, to march back to Vinares, ſix leagues from Tortoſa, where, in caſe of neceſſity, he could embark the foot in boats, and throw them ſecurely into the Ebro; but being fully reſolved never to repaſs that river, without poſitive orders from the king, he ſet out with a party of horſe to purſue the enemy. The earl expreſſed himſelf very freely upon that ſubject, in a letter he wrote from Alcala to the king, wherein he told him, "That, if his majeſty "would have believed him, he probably had not only had, "at this time, a viceroy of Valencia, but the kingdom:" concluding, "That, if the time loſt expoſed him to a ſacri- "fice, at leaſt he would periſh with honour, and as a man "deſerving a better fate." At the ſame time, the earl ſent orders to the thouſand Spaniſh foot and three hundred horſe, to enter into Valencia; and, in caſe the king ſhould again remand them to Lerida, he had ſent poſitive orders for colonel Wills to march immediately with an equal number of horſe and foot to his aſſiſtance. This reſolution produced the deſired effect; and orders were ſent from the court at Barcelona to the Spaniſh forces, to follow the direction of the Engliſh general. Hereupon the earl of Peterborough continued the purſuit of the enemy, who retired from him with the ſame precipitation as they had fled from St. Mattheo, being ſtill, by the ſame artifices (uſed to make them raiſe the ſiege) perſuaded, that they were followed by conſiderable forces. After ſeveral days march, the earl poſſeſſed himſelf of Nules, where he began to form that cavalry, which ſecured the kingdom of Valencia, and afterwards contributed to ſave Barcelona; taking near two hundred horſe in a place, where the enemy had three thouſand men the day before. After this, he came to Caſtillon

Jan. 27, N. S.

do

de la Plana, a town populous, rich, and well-affected, where having procured and bought eight hundred horſes, he not only recruited the diſmounted Engliſh and Spaniſh dragoons, but formed a new regiment of dragoons out of part of the lord Barrimore's regiment of foot; the command of which new corps he gave to lieutenant-colonel Pierce, ordering the remaining officers of the old to return to England, to recruit the ſame. Having drawn together ten ſquadrons of horſe and dragoons, and four battalions of foot, regular forces, beſides about three thouſand militia, he marched to Molviedro, the ancient Saguntum, ſo famous in the Roman hiſtory, four leagues diſtant from Valencia, where brigadier Mahoni, an Iriſh officer, had, under his command, about eight hundred men, near half of whom were his own regiment of dragoons. The town and caſtle were an old fortification, ſecured by a river, which the earl of Peterborough was to paſs, and ſo were capable of making ſome reſiſtance. But, brigadier Mahoni having conſented to an interview with the earl, the latter made ſo advantageous a ſhow of his ſtrength, that Mahoni was at laſt induced to ſurrender the town, being allowed to withdraw his troops. At the ſame time, the earl of Peterborough ſo dexterouſly raiſed jealouſies of Mahoni in ſeveral of the Spaniſh officers, and in the duke of Arcos, who had ſucceeded the Conde de las Torres, that he met with no diſturbance in his march, through the plain from Molviedro to Valencia, where he was received with extraordinary demonſtrations of joy. Whoſe bodies of prieſts and friers, in their ſeveral habits, were regimented and drawn up under arms to attend him, publickly acknowledging, that they owed their preſervation to his reſolution and activity (a).

1705.

About

(a) Dr. Friend obſerves, p. 268, that his lordſhip had, as his officers conceived, two inſuperable difficulties; the one to get poſſeſſion of Molviedro, and ſecure the paſs on the river; the other, to paſs the two leagues of the plains, which were betwixt Molviedro and Valencia, before ſo good and ſo ſtrong a body of horſe as that commanded by Mahoni. His lordſhip was in hopes, if he ſucceeded in one, to compaſs the other; and to that end, as ſoon as he found the treaty with Mahoni in a fair way, he choſe two Iriſh dragoons out of Zinzendorf's regiment, which he well inſtructed and well paid, and ſent immediately as deſerters to the duke of Arcos. He promiſed to make them officers, if they ſucceeded; which was punctually made good to one, who, as all, had deſerved it, the other dying ſoon after his return. They were to diſcover to the duke

1705. An action at St. Iſtevan de Litera.

'About this time a conſiderable action happened near St. Iſtevan de Litera. Major-general Connyngham, who was lately made lieutenant-general, and commanded in Lerida, with a ſtrong garriſon of Engliſh and Dutch, having intelligence, that the enemy about Balbaſtro deſigned to attack ſome of his dragoons at Tamarite, he immediately ſent thither colonel Wills with ſix hundred men; upon which the enemy repaſſed the river, and retired to Balbaſtro. Three days after, the chevalier d'Aſfeld, with nine ſquadrons of horſe and dragoons, and as many battalions of foot, all French,

Jan. 22, N. S.

duke of Arcos, that being hid under the rocks of the hill, where they were drinking a glaſs of wine, they had heard all the diſcourſe between the earl and Mahoni: that they ſaw five thouſand piſtoles delivered; and that Mahoni was to be a major-general upon the Engliſh and Spaniſh eſtabliſhment, and to command a body of ten thouſand Iriſh catholics, which were raiſing for the ſervice of king Charles. They agreed with the duke of Arcos to have no reward, if he were not ſoon made ſenſible of the truth of what they ſaid by Mahoni himſelf; ſince they were perſuaded, that he would ſoon ſend to engage the duke of Arcos to march immediately with the whole army towards the Carthuſian convent, under pretence of joining with his horſe, in order to prevent the earl of Peterborough from paſſing the plains of Molviedro; but that, whereas this march muſt be made in the night, all matters were ſo agreed and contrived betwixt the earl and Mahoni, and the troops ſo placed, that he muſt fall into the ambuſhes deſigned, and run great hazards of an intire defeat. It fell out, that ſoon after thoſe ſpies had given this account to the duke of Arcos, Mahoni's aid-de-camp arrived with propoſals exactly to the ſame purpoſe. The Spaniſh general (whoſe ſuſpicions were confirmed by the jealouſies which the earl of Peterborough had raiſed in ſeveral of the Spaniſh officers, who were come from Molviedro to him) inſtead of complying with the immediate march propoſed by Mahoni, removed his camp quite the contrary way. Mahoni with his horſe expoſed the whole army at the Carthuſian convent, till the approach of the earl of Peterborough made him retire to the duke of Arcos's camp; and as ſoon as he arrived, he was ſecured by that general, and ſent to Madrid. But, when Mahoni came to tell his ſtory at court, he was made a major-general, and the duke of Arcos was recalled.

The author of the impartial inquiry into the management of the war in Spain, having quoted this ſtory from Dr. Friend, obſerves, p. 79, 'That it was not 'thus the Romans got poſſeſſion 'of Molviedro, when it bore 'the name of Saguntum: they 'would not have rendered an 'enemy's general ſuſpected to 'his maſter by arts unwarrantable, nor did they ever interpret in ſo looſe a ſenſe, *Dolus an virtus quis in hoſte requirat?*'

French, advanced to attack colonel Wills, who, the day before, had marched to St. Iſtevan de Litera, with no more than four hundred foot and thirty dragoons. Upon the enemy's approach, colonel Wills drew out his ſmall number, and attacked their advanced guard ſo briſkly, that he beat them back to their body, and, purſuing them a league, obliged them to retire in confuſion to Fons and Almana. At night, colonel Wills was joined by Connyngham and colonel Palm, with the reſt of the troops, to the number in all of between eleven and twelve hundred men. The next morning, the chevalier d'Asfeldt advanced with his troops to attack the confederates, who thereupon drew out, and poſted their foot on a hill, toward which the enemy's foot was marching. About eight o'clock they were fully engaged, and the enemy puſhed two companies of Engliſh grenadiers; but major Buſton marched up with ſome platoons, and beat them back again; at which time Connyngham received a ſhot through his belly, and was carried off. Colonel Wills having then the command, continued the fight till three in the afternoon; but, though the enemy employed a great part of their forces to drive the confederates from the hill, yet they kept their ground with ſo much reſolution, that the enemy thought fit to retreat again to Fons and Almana. The troops fought with extraordinary bravery on both ſides, ſo that the muzzles of their pieces met. The confederates had ſeveral officers, and about one hundred and fifty private men killed or wounded, but had no priſoners taken from them; whereas the enemy had four hundred men killed, and left behind them a lieutenant-colonel, and a lieutenant of dragoons, who were made priſoners. Colonel Wills continued till five on the field of battle, and then marched to Balaguer, where lieutenant-general Connyngham died, three days after, of his wounds. 1705.

Connyngham dies of his wounds.

Upon the news of the ſucceſs in Catalonia, the councils of Portugal were quite changed. That court had a better proſpect than formerly of the reduction of Spain. The war was now divided, which lay wholly upon them before; and the French party there had no longer the old pretence to excuſe their counſels by, that it was not fit for them to engage themſelves too deep in that war, nor to provoke the Spaniards too much, and expoſe themſelves to revenge, if the allies ſhould deſpair and grow weary of the war, and recall their troops and fleets. But now, that they ſaw the war carried on ſo far in the remoteſt corner of Spain, which muſt give a great diverſion to king Philip's forces, it ſeemed

The councils of Portugal. Burnet.

1705. a much safer, as well as it was an easier thing, to carry on the war with more vigour for the future. Upon this, all possible assurances were given the earl of Galway, that things should be conducted hereafter fully to his satisfaction; so that by his dispatches to England it appeared, that he was thoroughly convinced of the sincerity of their intentions, of which he had been in great doubt, or rather despair.

Affairs at sea. Affairs at sea were more prosperous this year than they had been formerly. In the beginning of the season, our cruisers took so many of the French privateers, that we had some thousands of their seamen in our hands; and we kept such a squadron before Brest, that the French fleet did not think fit to venture out; and their Toulon squadron had suffered so much in the action of the former years, that they either could not or would not venture out. By this means our navigation was safe, and our trade prosperous.

Affairs in Hungary, In Hungary matters went on very doubtfully. Transylvania was almost intirely ruined. Ragotski had great misfortunes there, as the court of Vienna published the progress of the new emperor's arms; but this was not to be much depended upon. They could not conceal, on the other hand, the great ravages which the malecontents made in other places; so that Hungary continued to be a scene of confusion and plunder.

and in Poland. Poland was in no better condition. King Augustus's party continued firm to him, though his long stay in Saxony gave credit to a report spread about, that he was resolved to abandon that kingdom, and to return to it no more. This summer past over in motions and actions of no great consequence: what was gained in one place, was lost in another. Stanislaus procured himself to be crowned. The old cardinal, though summoned to Rome, would not go thither. He suffered himself to be forced to own Stanislaus, but died before his coronation; and that ceremony was performed by the bishop of Cujavia. The Muscovites made as great ravages in Lithuania, as they had formerly done in Livonia. The king of Sweden was in perpetual motion; but, tho' he endeavoured it much, he could not bring things to a decisive action. In the beginning of winter, king Augustus, with two persons only, broke through Poland in disguise, and got away to the Muscovite army, which was put under his command. The campaign went on all the winter-season, which considering the extreme cold in those parts, was thought a thing impracticable before. In the spring after,

Reinschild,

Reinſchild, a Sweediſh general, fell upon the Saxon army, which was far ſuperior to his in number; for he had not above ten thouſand men, whereas the Saxons were about eighteen thouſand; notwithſtanding which, he gave them a total defeat, killed about ſeven thouſand, and took eight thouſand priſoners, and their camp-baggage and artillery. Numbers, upon ſuch occaſions, are often ſwelled, but it is certain, this was an intire victory. The Swedes gave it out, that they had not loſt a thouſand men in the action; and yet even this great advantage was not like to put an end to the war, nor to the diſtractions, into which that miſerable kingdom was caſt. In it the world ſaw the miſchiefs of an elective government, eſpecially when the electors have loſt their virtue, and ſet themſelves to ſale. The king of Sweden continued in an obſtinate averſion to all terms of peace; his temper, courage, and his military conduct, were much commended; but he grew too ſavage, and was ſo poſitive and peremptory in his reſolutions, that no applications could ſoften him, and he would ſcarce admit them to be made. He was devout almoſt to enthuſiaſm; and he was ſeverely engaged in the Lutheran rigidneſs, almoſt equally againſt papiſts and calviniſts; but his education was ſo much neglected, that he had not an equal meaſure of knowledge to direct this zeal. 1705.

Having given ſuch a view of the ſtate of Europe this ſummer, as may ſerve to ſhew the proceedings in every part of it, we ſhall now return to England. The election of the members of the houſe of commons was managed with zeal and induſtry on both ſides. The clergy took great pains to infuſe into all people tragical apprehenſions of the danger the church was in. The univerſities were inflamed with this, and took all poſſible means to ſpread it over the nation with much vehemence. The danger of the church of England grew to be the word as given to an army. Men were known as they anſwered it. None carried this higher than the jacobites, though they had made a ſchism in the church. At laſt, even the papiſts, both at home and abroad, ſeemed to be diſturbed with the fears which the danger of our church put them under; and this was ſupported by the Paris gazette, though of that the party ſeemed aſhamed. Books were writ and diſperſed over the nation with great induſtry, to poſſeſs all people with the apprehenſions that the church was to be given up, that the biſhops were betraying it, and that the court would ſell it to the diſſenters. Now it was, that the memorial of the church

A parliament choſen in England. Burnet.

1705. church of England, penned by ſome zealous churchmen, was printed and ſpread abroad, ſetting forth her melancholy ſituation and diſtreſs (a). They alſo hoped, that this campaign, proving leſs proſperous, than had been expected, might

(a) This pamphlet was compoſed by Dr. Drake the phyſician, and others, and humbly offered to the conſideration of all true lovers of our church and conſtitution. In it was the following paſſage: 'Thoſe, that look 'no deeper than the ſurface of 'things, are apt to conclude, 'without heſitation, that the 'church of England is in a 'very flouriſhing condition. 'Its dignities and preferments 'make a very good ſhew, and 'the patronage of the queen 'ſeems to promiſe a continu'ance of proſperity. But, for 'all this fine complexion and 'fair weather, there is an hec'tic fever lurking in the very 'bowels of it, which, if not 'timely cured, will infect all 'the humours, and at length 'deſtroy the very being of it. 'The nation has a long time 'abounded with ſectaries, who, 'in the preceding century, 'violently overturned both 'church and ſtate, tho' their 'own extravagance and con'fuſion, through a ſpecial pro'vidence, contributed more 'than human wiſdom to the 're-eſtabliſhment of them. The 'ſons of thoſe men yet remain, 'and inherit, many of them, the 'principles of their fathers. It 'would therefore be no very 'uncharitable ſuppoſition, with'out any other argument, to 'imagine them heirs of their 'deſigns likewiſe; for it is eaſy 'to demonſtrate, that ſuch 'principles lead naturally to 'ſuch deſigns, and that no man 'can heartily embrace one, 'without having favourable 'thoughts of the other. Nor 'can we blame them; for, if 'any man is perſuaded (as 'many of our ſectaries avow 'themſelves to be) that the 'diſcipline and worſhip of the 'church of England are an 'abomination, his conſcience 'will readily ſuggeſt to him, 'that he ought to do his utmoſt 'to purge the land from ſuch 'abomination; and upon this 'pretence has the church been 'once already ſubverted, tho' 'raiſed again by God in a 'miraculous manner. In thoſe 'days a thorough reformation, 'root and branch, was the cry 'of all the pulpits, the Shib'boleth of the party. If, ſince 'the church recovered its anci'ent luſtre and authority, they 'have been more ſilent, and in 'appearance more moderate, 'it is not that they are better 'tempered or affected, but that, 'ſubmitting to the neceſſity of 'the times, they have diſſem'bled their intentions better: 'Yet ſome overt-attempts here, 'and the whole courſe of their 'proceedings in Scotland du'ring theſe two laſt reigns, ſuf'ficiently ſhew us what treat'ment we might expect, if they 'had the power. But theſe 'people, tho' they may have 'the will, have not the power 'alone to endanger the church. 'The diſſenters are not yet con'ſiderable enough for their 'numbers

might put the nation into ill humour, which might furnish them with some advantages. In opposition to all this, the court acted with such caution and coldness, that the whigs 1705.

'numbers (however they boast of them) wealth, or quality, to 'bring about any great change 'in the constitution of church 'or state. And our church is 'too strong to be shaken, but 'thro' the treachery or supine 'negligence of its own members, or those, at least, that 'pretend to be such; and, as 'such, palm themselves frequently upon their country 'and church, to the irreparable 'damage of both. The sudden death of the late king 'disappointed, mortified, and 'humbled the dissenters and 'their abettors, the whigs, so 'excessively, that they were 'ready to have thrown a blank 'to the church, and would have 'taken a general indemnity, 'with an exclusion from all 'public trust and office. They, 'who not a month before, 'breathed nothing but defiance, 'and insulted the church, and 'treated the princess with the 'most scandalous indignities 'and rudest calumnies, were 'in an instant grown the most 'dutiful subjects, the most affectionate friends, and the 'most peaceable, meek, christian-spirited people in the 'universe. They preached nothing but charity, peace, and 'love, forgiveness of injuries, 'oblivion of wrongs, and the 'utter abolition and extinction of parties and factions for 'ever. So very good and gracious can men in fear be! 'But whence this humility and 'dejection of mind, this sweetness of temper? Was it natural, or the result of more extraordinary grace, or more christian principles than other 'men were possessed of? No; 'but they had just before injured and affronted the princess and church of England in 'so insolent and outrageous a 'manner, upon presumption, 'that durable schemes were 'upon the anvil in their favour, that their own consciences, upon the vanishing 'of them, prompted them to 'seek pardon and peace, from 'those whom they had so abused, by an extraordinary 'submission. But when, contrary to these fears, they found 'the head of the church, and, 'after her example, the members of it too, inclined not only to forgive, but to forget 'past injuries, and that, instead 'of punishment, they met not 'with so much as a rebuke 'or reproach, but comfortable 'speeches and kind assurances 'from the queen herself, and 'good countenance from some 'of her prime ministers, their 'spirits were elated in an instant; the spirit of humility 'and pacification vanished; 'their former insolence and 'presumption returned upon 'them in full force; and they 'began to challenge and provoke the church as boldly as 'ever. Thus far the history of 'their carriage towards the 'church is public and recent, 'as likewise the advances that 'have been made in their favour,

1705. whigs had very little ſtrength given them by the miniſters in managing the elections. They ſeemed rather to look on as indifferent ſpectators, but the whigs exerted themſelves with great activity and zeal. The diſſenters who had been former-

vour, and the repulſes, which the church has met with. Every thing has paſſed in Scotland to the deſire of the preſbytery, even to the endangering the church and monarchy of England, and the diſheriſon of its crown, and the immediate prejudice of its ſovereignty; but on the contrary, nothing for the ſecurity of the church here, which can not only boaſt itſelf to be a main branch of the civil conſtitution, but the prop and ſupport of the whole frame of government; which removed, it muſt neceſſarily fall to the ground, as has been once fatally experimented. All attempts to ſettle it on a perpetual foundation have been oppoſed and rendered ineffectual by miniſters, who owe their preſent grandeur to its protection; and who with a prevarication as ſhameful as their ingratitude, pretend to vote and ſpeak for it themſelves, while they ſolicit and bribe others with penſions and places to be againſt it.'

This laſt reflection was viſibly levelled againſt the duke of Marlborough and the lord treaſurer Godolphin; and the reſt of that libel, containing no leſs injurious inſinuations againſt the queen herſelf for removing ſome of her miniſters, the grand jury of London and county of Middleſex, at the ſeſſions held at the Old-Bailey, on the 31ſt of Auguſt, 'with the utmoſt indignation and reſentment preſented one book, lately printed by a notorious criminal [David Edwards] (convicted in that court for printing and publiſhing a ſeditious and treaſonable libel, for which he was fined and pilloried, and was now fled from juſtice) intitled, The memorial of the church of England, &c. to be a falſe, ſcandalous, and traiterous libel, ſecretly, but induſtriouſly ſpread abroad, to advance and accompliſh traiterous and wicked deſigns, highly impeaching the truth and ſincerity of her majeſty's royal reſolution and pious aſſurances to ſupport and preſerve our government, both in church and ſtate, the rights, liberties, and properties of all her people; and alſo craftily deſigned to reproach and ſcandalize her wiſe and faithful miniſtry, divide her councils, create variances, diſputes, and diſcords in her parliament, and to raiſe and foment animoſities, fears, and jealouſies amongſt all her people.' Upon this preſentment the court ordered the ſaid libel to be forthwith burnt in the ſight of the ſaid court then ſitting, and alſo, on the Tueſday following, before the Royal-exchange; which was done accordingly, on the 1ſt of September, the ſheriffs attending.

formerly much divided, were now united intirely in the in- 1705.
tereſts of the government, and joined with the whigs every where.

When the elections were all over, the court took more heart, for it appeared, that they were ſure of a great majority; and the lord Godolphin declared himſelf more openly, than he had yet done, in favour of the whigs. The firſt inſtance given of this, was the diſmiſſing of ſir Nathan Wright, who had continued ſo long lord-keeper, that he was fallen under a high degree of contempt with all ſides; even the tories, though he was wholly theirs, deſpiſing him. He was ſordidly covetous, and did not at all live ſuitably to that high poſt. He was become extremely rich, though he was not charged with bribery in his court; but there was a rumour with relation to the livings of the crown, that were given by the great ſeal, as if they were ſet to ſale by the officers under him. The great-ſeal being ſent for, the cuſtody of it was given, in council to William Cowper, with the title of lord-keeper. He was a gentleman of a good family, of excellent parts, and of an engaging deportment, very eminent in his profeſſion, and had been, for many years, conſidered as the man, who ſpoke the beſt in the houſe of commons. His promotion was very acceptable to the whigs, who had been much diſguſted with the lord-treaſurer for the coldneſs he expreſſed, as if he would have maintained a neutrality between the two parties, though the one ſupported him, while the other deſigned to ruin him. But this ſtep, in preferring the new lord-keeper, went a great way towards reconciling the whigs to him (a).

Sir Nathan Wright diſmiſſed.

Cowper made lord-keeper. Oct. 11.

The new parliament met on the 25th of October. The appearance in the houſe of commons was greater than had been known at the opening of any parliament for fifty years before; no leſs than four hundred and fifty-ſix members being preſent. The firſt ſtruggle was about the choice of a ſpeaker,

Second parliament of queen Anne.

Hiſt. of Eur. Eur. Pr. H. C. III. 442.

(a) The dutcheſs of Marlborough, in the account of her conduct (p. 159.) ſays, The next year I prevailed with her majeſty to take the great ſeal from ſir Nathan Wright, a man deſpiſed by all parties, of no uſe to the crown, and whoſe weak and wretched conduct, in the court of Chancery, had almoſt brought his very office into contempt. His removal, however, was a great loſs to the church, for which he had ever been a warm ſtickler. And this loſs was the more ſenſibly felt as his ſucceſſor, my lord Cowper, was not only of the whig-party, but of ſuch abilities and integrity, as brought a new credit to it in the nation.

1705. by which a judgment was to be made of the temper and inclination of the members. The court declared for Mr. John Smith, a man of clear parts, and of a good expreſſion, who was then in no employment, but had gone through great poſts in the former reign with reputation and honour, having been a commiſſioner of the treaſury, and chancellor of the exchequer. He had, from his firſt ſetting out in the world, been thoroughly in the principles and intereſts of the whigs, yet with a due temper in all perſonal things, with relation to the tories. But the tories all declared againſt him for Mr. Bromley, one of the repreſentatives of the univerſity of Oxford, a man of a grave deportment and good morals, but conſidered as a violent tory, and as a great favourer of jacobites, which appeared evidently in a relation which he printed of his travels. The marquiſs of Granby, eldeſt ſon to the duke of Rutland, who firſt propoſed Mr. Smith, was ſeconded by Mr. Robert Walpole; and ſir John Holland, the marquiſs of Hartington, ſir William Strickland, ſir Charles Turner, and ſome others ſpoke by turns on the ſame ſide. On the other hand, the earl of Dyſert recommended Mr. Bromley, and was ſupported by ſir Thomas Hanmer, ſir Edward Seymour, ſir William Drake, Mr. Frederick Herne, Mr Anneſley, and ſir Roger Moſtyn. No affair of that ſort had ever been carried with ſuch heat on both ſides as this was: So that it was juſt to form a judgment upon it of the temper of the houſe. After a debate of about an hour and half, the houſe divided, and, two members being appointed to tell the voices, Mr. Smith had two-hundred and forty-eight, and Mr. Bromley two hundred and five only. Mr. Smith being, on the 27th of October, preſented to the queen, ſeated on the throne in the houſe of peers, ſhe approved the choice of him, and made the following ſpeech to both houſes:

My lords and gentlemen,

"I Have been very deſirous to meet you as early as I "thought you might be called together without in- "convenience to yourſelves. And it is with much ſatis- "faction, I obſerve ſo full an appearance at the opening "of the parliament, becauſe it is a ground for me to "conclude, you are all convinced of the neceſſity of pro- "ſecuting the juſt war, in which we are engaged, and "therefore are truly ſenſible, that it is of the greateſt im- "portance to us, to be timely in our preparations.

"Nothing

" Nothing can be more evident, than that if the French 1705.
" king continues maſter of the Spaniſh monarchy, the bal-
" ance of the power in Europe is utterly deſtroyed, and
" he will be able in a ſhort time to ingroſs the trade and
" the wealth of the world.

" No good Engliſhman could at any time be content to
" ſit ſtill, and acquieſce in ſuch a proſpect; and at this
" time we have great grounds to hope, that by the bleſ-
" ſing of God upon our arms, and thoſe of our allies, a
" good foundation is laid for reſtoring the monarchy of
" Spain to the houſe of Auſtria; the conſequences of
" which will not only be ſafe and advantageous, but glori-
" ous for England.

" I may add, we have learned by our own experience,
" that no peace with France will laſt longer, than the
" firſt opportunity of their dividing the allies, and of attack-
" ing ſome of them with advantage.

" All our allies muſt needs be ſo ſenſible this is the true
" ſtate of the caſe, that I make no doubt but meaſures
" will ſoon be ſo concerted, as that, if we be not want-
" ing to ourſelves, we ſhall ſee the next campaign begin
" offenſively on all ſides againſt our enemies, in a moſt
" vigorous manner.

" I muſt therefore deſire you, gentlemen of the houſe
" of commons, to grant me the ſupplies, which will be
" requiſite for carrying on the next year's ſervice both by
" ſea and land; and, at the ſame time, to conſider, that
" the giving all poſſible diſpatch, will make the ſupply
" itſelf much more effectual.

" The firmneſs and conduct, which the duke of Savoy
" has ſhewn amidſt extreme difficulties, is beyond example.
" I have not been wanting to do all that was poſſible for
" me in order to his being ſupported.

" I ought to take notice to you, that the king of
" Pruſſia's troops have been very uſeful to this end. Your
" approbation of that treaty laſt ſeſſion, and the encourage-
" ment you gave upon it, leave me no doubt of being
" able to renew it for another year.

" I take this occaſion to aſſure you, that not only what-
" ever ſhall be granted by parliament for bearing the charge
" of the war, ſhall be laid out for that purpoſe with the
" greateſt faithfulneſs and management; but that I will
" continue to add, out of my own revenue, all I can
" reaſonably ſpare, beyond the neceſſary expences for the
" honour of the government.

My

1705.

My lords and gentlemen,

"By an act of parliament paſſed the laſt winter, I was "enabled to appoint commiſſioners for this kingdom, to "treat with commiſſioners to be impowered by authority "of parliament in Scotland, concerning a nearer and more "complete union between the two kingdoms, as ſoon as "an act ſhould be made there for that purpoſe. I think "it proper for me to acquaint you, that ſuch an act is "paſſed there; and I intend in a ſhort time, to cauſe "commiſſions to be made out, in order to put the treaty "on foot, which I heartily deſire may prove ſucceſsful; "becauſe I am perſuaded, that an union of the two king-"doms will not only prevent many inconveniences, which "may otherwiſe happen, but muſt conduce to the peace "and happineſs of both nations; and therefore I hope I "ſhall have your aſſiſtance, in bringing this great work to "a good concluſion.

"There is another union I think myſelf obliged to re-"commend to you in the moſt earneſt and affectionate "manner; I mean an union of minds and affections a-"mongſt ourſelves. It is that, which would, above all "things, diſappoint and defeat the hopes and deſigns of "our enemies.

"I cannot but with grief obſerve, there are ſome amongſt "us, who endeavour to foment animoſities; but I per-"ſuade myſelf, they will be found to be very few, when "you appear to aſſiſt me in diſcountenancing and defeating "ſuch practices.

"I mention this with a little more warmth, becauſe "there have not been wanting ſome ſo very malicious, as "even in print to ſuggeſt the church of England, as by law "eſtabliſhed, to be in danger at this time.

"I am willing to hope, not one of my ſubjects can "really entertain a doubt of my affection to the church, or "ſo much as ſuſpect, that it will not be my chief care "to ſupport it, and leave it ſecure after me; and there-"fore we may be certain, that they, who go about to "inſinuate things of this nature, muſt be mine and the "kingdom's enemies, and can only mean to cover deſigns, "which they dare not publickly own, by endeavouring to "diſtract us with unreaſonable and groundleſs diſtruſts "and jealouſies.

"I

"I must be so plain, as to tell you, the best proofs 1705.
"we can all give at present of our zeal for the preservation
"of the church, will be to join heartily in prosecuting the
"war against the enemy, who is certainly engaged to
"extirpate our religion, as well as to reduce this kingdom
"to slavery.

"I am fully resolved by God's assistance to do my part.
"I will always affectionately support and countenance
"the church of England as by law established.

"I will inviolably maintain the toleration.

"I will do all I can to prevail with my subjects to
"lay aside their divisions, and will study to make them
"all safe and easy.

"I will endeavour to promote religion and virtue, a-
"mongst them, and to encourage trade, and every thing
"else, that may make them a flourishing and happy people.

"And they, who shall concur zealously with me in
"carrying on these good designs, shall be sure of my kind-
"ness and favour."

This speech which was supposed to be drawn up by the new lord-keeper, was received with great applause by the generality of the people, and the majority of both houses of parliament. On the 1st of November the lords attended the queen with an address, wherein, having taken notice of what had been delivered from the throne, they assured her, "That they concurred in these her majesty's "wise and noble sentiments; and that no dangers should "deter them, nor any artifices divert them, from doing all "that was in their power, to assist her majesty in carry-"ing on the war, till she should be enabled to procure "such a peace for Europe, as she had mentioned in her "speech. They admired in her majesty that tender and "indulgent affection to her people, which she had shewn "from the beginning of her reign; that earnest desire to "unite them among themselves, and to make them all easy, "safe and happy under her government; that steddy zeal "for the church of England, as by law established; and "that compassion for those, who were so unhappy, as to "dissent from her." And they promised, "to do all "they could to discountenance and defeat the designs and "practices of those, who fomented animosities among "her people: ever to shew the utmost detestation of those "ungrateful and wicked men, who laboured to dishonour "her majesty's reign, and distract her subjects with un-

The lords address.

"reason-

1705. "reaſonable and groundleſs jealouſies of dangers to the "church of England; and to be ready to concur in all "meaſures requiſite to put a ſtop to the malice of thoſe "incendiaries."

The commons addreſſed the queen, five days after, in much the ſame manner. Theſe addreſſes of the two houſes went on the more eaſily, becauſe ſome kept out of the way, from whom it was expected, that they would afterwards open more copiouſly on the ſubject. The chairmen of the ſeveral committees of the houſe of commons were men, of whom the court was well aſſured.

Addreſs of the Commons about the union and ſucceſſion in Scotland. Pr. H. C. III. 446.

On the 13th of November, the commons, having taken the queen's ſpeech into conſideration, preſented a ſecond addreſs of thanks for her great care and endeavours to ſettle the ſucceſſion of the kingdom of Scotland in the houſe of Hanover, for the preſervation of the peace, and promoting the union of the two kingdoms, and to aſſure her, they would, to the utmoſt of their power, aſſiſt her to bring that great work to a happy concluſion. They alſo deſired her to direct, that the whole proceedings of the laſt ſeſſions of parliament in Scotland, relating to the union and the ſucceſſion, might be laid before the houſe. The lords had made the ſame requeſt the day before, and the queen promiſed both houſes, that the ſtate of thoſe matters ſhould be laid before them.

The firſt thing, with which the commons generally begin, is to receive petitions againſt the members returned; and this gave a further diſcovery of the inclinations of the majority. The corruption of the nation was grown to ſuch an height, and there was ſo much foul practice on all hands, that there was no doubt great cauſe of complaint. The firſt election, that was judged, was that of St. Albans, where the ducheſs of Marlborough had a houſe. She recommended admiral Killigrew to thoſe in the town, as was done all over England by perſons of quality, who had any intereſt in the burghers. Yet, though much foul practice was proved on the other hand, and there was not the leaſt colour of evidence to fix any ill practice upon her, ſome reflected very indecently upon her. Mr. Bromley compared her to Alice Piers in king Edward III's reign, and laid many other virulent things againſt her; for indeed ſhe was looked upon by the whole party as the perſon, who had reconciled the whigs to the queen, from whom her majeſty was naturally very averſe. Moſt of the controverted elections were carried in favour of the whigs; in ſome few they failed, more by reaſon

reaſon of private animoſities, than by the ſtrength of the other ſide. 1705.

The houſe of commons readily voted all the ſupplies that were aſked, and went on to provide proper funds for them. The ſupplies granted.

The moſt important debates in this ſeſſion began in the houſe of lords, the queen being preſent at them all. The lord Haverſham opened the motions of the tory ſide. On the 15th of November, when the lords went upon the ſtate of the nation, the lord Haverſham made a long ſpeech, wherein he arraigned the duke of Marlborough's conduct, both on the Moſelle and in Brabant, and reflected ſeverely on the Dutch, which he carried ſo far as to ſay, that the war coſt them nothing. He came at length to the point, which was laid to be the debate of the day, and concluded his ſpeech with ſaying: Debates about the next ſucceſſor. Pr. H. L. II. 149. Burnet.

"The laſt thing, my lords, is that which I take to be "of the greateſt concernment to us all, both queen and "people. I love always to ſpeak very plain, and ſhall do ſo "in this point.

"My lords, I think there can be nothing more for the "ſafety of the queen, for the preſervation of our conſtitu- "tion, for the ſecurity of the church, and for the advantage "of us all, than if the preſumptive heir to the crown, ac- "cording to the act of ſettlement in the proteſtant line, "ſhould be here amongſt us. It is very plain, that nothing "can be more for the ſecurity of any throne, than to have "a number of ſucceſſors round about it, whoſe intereſt is "always to defend the poſſeſſor from any danger, and pre- "vent any attempt againſt him, and revenge any injury "done him. Is there any man, my lords, who doubts, "that if the duke of Glouceſter had been now alive, her "majeſty had not been more ſecure than ſhe is? We "cannot think of that misfortune without the greateſt grief; "but yet we are not to neglect our own ſafety. And, tho' "a ſucceſſor be not the child of the prince, yet is he the "child of the queen and the people.

"Beſides, my lords, the heats and differences, which "are among us, make it very neceſſary that we ſhould "have the preſumptive heir reſiding here. The duty and "reſpect we pay her majeſty, and the authority of the "law, can hardly keep us in peace and union amongſt "ourſelves at preſent. What then may we not fear, when "theſe bonds ſhall ever happen to be broken? And would

1705. "it not be a great advantage to the church for the presumptive heir to be personally acquainted with the reverend the prelates? Nay, would it not be an advantage to all England, that, whenever the successor comes over, he should not bring a flood of foreigners along with him, to eat up and devour the good of the land?

"I will say no more to your lordships, but conclude with this motion;

"That an humble address be presented to her majesty, by this house, that her majesty will be graciously pleased to invite the presumptive heir to the crown of England, according to the acts of parliament made for settling the succession of the crown in the protestant line, into this kingdom, to reside here."

The duke of Buckingham, and the earls of Rochester, Nottingham, and Anglesey, carried on the debate with great earnestness. It was urged, That they had sworn to maintain the succession, and by that were bound to insist on this motion, since there was no means so sure to maintain it, as to have the successor upon the place, ready to assume and maintain his right. It appeared through our whole history, that whoever came first into England, had always carried it. The pretending successor might be in England within three days; whereas it might be three weeks before the declared successor could come. From thence it was inferred, that the danger was apparent and dreadful, if the successor should not be brought over. If king Charles had been in Spain, when the late king died, probably that would have prevented all this war, in which we were now engaged. With these lords, by a strange reverse, all the tories joined; and by another, and as strange a reverse, all the whigs joined in opposing it. They thought that this matter was to be left wholly to the queen; that it was neither proper nor safe either for the crown or for the nation, that the heir should not be in an intire dependence on the queen: That a rivalry between the two courts might occasion great distractions, and be attended with very ill consequences: That the next successor had expressed a full satisfaction, and rested on the assurances, which the queen had given her, of her firm adherence to her title, and to the maintaining of it: That the nation was prepared for it by the orders, which the queen had given to name her in the daily prayers of the church: That great endeavours had been used to bring the Scots nation to declare the same successor: That it was

true,

true, we ſtill wanted one great ſecurity, not having yet made any proviſion for carrying on the government, for maintaining the public quiet, for proclaiming and ſending for the ſucceſſor, and for keeping things in order, till the ſucceſſor ſhould come. It ſeemed therefore neceſſary to make an effectual proviſion againſt diſorders, that might happen in ſuch an interval. This was propoſed firſt by biſhop Burnet, and ſeconded by the lord-treaſurer; and all the whigs went into it; and then the queſtion was put upon the other motion, as firſt made, by a previous diviſion, Whether that ſhould be put or not, and was carried in the negative by about three to one. However, ſome lords, who were for the affirmative, entered their proteſts in the following words: "We humbly conceive, that having a preſumptive heir to "the crown reſiding in the kingdom, will be a great "ſtrengthening to her majeſty's royal hands, in the admi- "niſtration of the government, and ſecurity of her majeſty's "royal perſon, and of the ſucceſſion to the crown, as by "law eſtabliſhed, in the proteſtant line (1)." 1705.

The queen heard the debate, and ſeemed amazed at the behaviour of ſome, who, when they had credit with her, and apprehended, that ſuch a motion might be made by the whigs, had poſſeſſed her with deep prejudices againſt it; for they had made her apprehend, that, when the next ſucceſſor ſhould be brought over, ſhe herſelf would be ſo eclipſed by it, that ſhe would be much in the ſucceſſor's power, and reign only at her or his courteſy. Yet theſe very perſons were proſecuting that very motion, which they had made her apprehend was the moſt fatal thing that could happen. This the duchefs of Marlborough told biſhop Burnet, but named no perſon; and upon it a very black ſuſpicion was taken up by ſome, that the propoſers of this matter knew, or at leaſt believed, that the queen would not agree to the motion, which way ſoever it might be brought to her, whether in an addreſs, or in a bill; and then they might reckon, that this would give ſuch a jealouſy, and create ſuch a miſunderſtanding between her and the parliament, or rather the whole nation,

(1) This proteſt was ſubſcribed by

Winchelſea,	Nottingham,	Rocheſter,	Conway,
Jerſey,	Angleſey,	Abingdon,	Leigh,
Buckingham,	Haverſham,	Howard,	

1705. nation, as would unſettle her whole government, and put all things in diſorder. But this was only a ſuſpicion (1).

A bill for a Regency. Burnet. Though the invitation of the princeſs Sophia was rejected, yet a bill for a regency, intitled, "A bill for the better "ſecurity of her majeſty's perſon and government, and of "the ſucceſſion to the crown of England, was brought in." Pr. H. L. II. 151. On the 19th of November, the lord Wharton opened the debate in a manner, that charmed the whole houſe. He had not been preſent at the former debate, but he ſaid, he was much delighted with what he had heard concerning it. He obſerved, that he had ever looked on the ſecuring a proteſtant ſucceſſion to the crown as that, which ſecured all our happineſs. He had heard the queen recommend from the throne union and agreement to all her ſubjects, with a great emotion in his own mind. It was now evident, there was a divinity about her, when ſhe ſpoke: The cauſe was certainly ſupernatural, for we ſaw the miracle, that was wrought by it: Now all were for the proteſtant ſucceſſion. It had not been always ſo. He rejoiced in their converſion, and confeſſed

(1) The ducheſs of Marlborough, in the account of her own conduct (p. 160) clears up this matter; ſhe ſays, the earls of Rocheſter and Nottingham, and the other grave men of the party, had not the leaſt hope or the leaſt deſire to carry their point; but being well aſſured, that the queen would never conſent to ſuch an invitation, nor pardon her miniſters, if they encouraged the deſign, this was a notable ſtratagem to ruin them, either with her majeſty, or with the nation; for if, in compliance with her prejudices, they oppoſed this motion, it was to be hoped it would draw the public odium upon them, as declared enemies to the proteſtant ſucceſſion. This hopeful ſcheme, however, did not ſucceed. The whigs oppoſed the invitation, and yet preſerved their credit, to the great mortification of the other party. I know, that my lord Godolphin, and other great men, were much reflected upon by ſome well-diſpoſed perſons, for not laying hold of this opportunity, which the tories put in their hands, of more effectually ſecuring the ſucceſſion of the crown in the houſe of Hanover. But thoſe of the whigs, whoſe anger againſt the miniſter was raiſed on this account, little knew how impracticable the project of invitation was, and that the attempt would have only ſerved to make the queen diſcard her miniſtry, to the ruin of the common cauſe of theſe kingdoms, and of all Europe. I had often tried her majeſty upon this ſubject, and when I found, that ſhe would not hear of the immediate ſucceſſor's coming over, had preſſed her, that ſhe would at leaſt invite hither the young prince of Hanover, who was not to be her

feſſed it was a miracle. He would not, he could not, he ought not to ſuſpect the ſincerity of thoſe, who moved for inviting the next ſucceſſor; yet he could not hinder himſelf from remembering what had paſſed in the courſe of many years, and how men had argued, voted, and proteſted all that while. This confirmed his opinion, that a miracle was now wrought; and that might oblige ſome to ſhew their change by an exceſs of zeal, which he could not but commend, though he did not fully agree to it. After this preamble, he opened the propoſition for the regency in all the branches of it: That regents ſhould be impowered to act in the name of the ſucceſſor, till he ſhould ſend over orders: That beſides thoſe, whom the parliament ſhould name, the next ſucceſſor ſhould ſend over a nomination ſealed up, and to be opened, when that accident ſhould happen, of perſons who ſhould act in the ſame capacity with thoſe, who ſhould be named by parliament. The motion, being thus digeſted, was agreed to by all the whigs, and a bill was ordered to be brought in, purſuant to theſe propoſitions. But, upon the debate 1705.

her immediate ſucceſſor, and that ſhe would let him live here as her ſon: But her majeſty would liſten to no propoſal of this kind in any ſhape whatſoever. ——It was upon this occaſion, that the queen gave the firſt indications of any thing like a real reconcilement to the whigs. —— She had been preſent at the debate in the houſe of lords upon the ſubject of the invitation, and had heard the duke of Buckingham treat her with great diſreſpect, urging as an argument for inviting over the princeſs Sophia, that the queen might live till ſhe did not know what ſhe did, and be like a child in the hands of others, and a great deal to that effect. Such rude treatment from the tories, and the zeal and ſucceſs of the whigs, in oppoſing a motion ſo extremely diſagreeable to her, occaſioned her to write to me in the following terms:

—— 'I believe dear Mrs. Freeman and I ſhall not diſagree, as we have formerly done; for I am ſenſible of the ſervices thoſe people have done me, that you have a good opinion of; and will countenance them, and am thoroughly convinced of the malice and inſolence of them, that you have always been ſpeaking againſt.'

And at this time it was, that the queen authorized the lord Godolphin to give the utmoſt aſſurances to the chief men of the whigs, that ſhe would put herſelf and her affairs into ſuch hands as they ſhould approve, and would do every thing poſſible for the ſecurity of the proteſtant religion.

1705. debate on the heads of the bill, it appeared, that the converſion, which the lord Wharton had ſo pleaſantly magnified, was not ſo intire as he ſeemed to ſuppoſe. For when a ſecurity, that was real and viſible, was thus offered, thoſe, who made the other motion, flew off from it. They pretended, that it was, becauſe they could not depart from their firſt motion: But they were told, that the immediate ſucceſſor might indeed, during her life, continue in England, yet it was not to be ſuppoſed, that her ſon, the elector, could be always abſent from his own dominions, and throw off all care of them, and of the concerns of the empire, in which he bore ſo great a ſhare. If he ſhould go over for ever ſo ſhort a time, the accident might happen, in which it was certainly neceſſary to provide ſuch an expedient as was now offered. This expoſed them to much cenſure; but men engaged in parties are not eaſily put out of countenance. It was reſolved, that the regents ſhould be ſeven, and no more; and they were fixed by the poſts they were in. The archbiſhop of Canterbury, the lord-chancellor, lord-keeper, lord-treaſurer, lord-preſident, lord-privy-ſeal, lord-high-admiral, and the lord-chief-juſtice of the queen's-bench for the time being, were named for that high truſt. The tories ſtruggled hard, that the lord-treaſurer ſhould not be one, only to ſhew their ſpleen againſt the lord Godolphin; but their motion was rejected with ſcorn; for it ſeemed ridiculous in a time, when there might be much occaſion for money, to exclude an officer from that high truſt, who alone could furniſh them with it, or direct them how to be furniſhed. The tories moved likewiſe, that the lord-mayor of London ſhould be one; but that was alſo rejected; for the deſign of the act was, that the government ſhould be carried on by thoſe, who ſhould be at that time in the conduct and ſecret of affairs, and were perſons nominated by the queen; whereas the lord-mayor was choſen by the city, and had no practice in buſineſs. Theſe regents were required to proclaim the next ſucceſſor, and to give orders for the like proclamation over England and Ireland. The next ſucceſſor might ſend a triplicate of the perſons named by her or him; one of theſe was to be depoſited with the archbiſhop of Canterbury, another with the lord-keeper, and a third with his own miniſter reſiding at this court; upon the producing whereof, the perſons nominated were to join with the regents, and to act in equality with them. The laſt parliament, even though diſſolved, was to be immediately brought together, and impowered to

continue

continue ſitting for ſix months; and thus things were to be kept in order, till the ſucceſſor ſhould either come in perſon, or ſend over his orders. 1705.

The tories made ſome oppoſition to every branch of the act; but, in that of the parliament's ſitting, the oppoſition was more remarkable. The earl of Rocheſter moved, That the parliament and the regents ſhould be limited to paſs no act of repeal of any part of the act of uniformity; and in his poſitive way ſaid, that, if this was not agreed to, he ſhould ſtill think the church was in danger, notwithſtanding what they had heard from the throne in the beginning of the ſeſſion. It was objected to this, that, if the regal power was in the regents, and if the parliament was likewiſe a legal one, then by the conſtitution the whole legiſlature was in them, and that could not be limited; for they could repeal any law, that limited them: But the judges were of opinion, that the power of regents might be limited; ſo that, as the deſign of moving this might be to have a new pretence to poſſeſs the clergy that there was a ſecret deſign againſt the church, which might break out at ſuch a time, the lords gave way to it, though they thought it unreaſonable, and propoſed with no good deſign. The tories, upon the yielding this to them, propoſed a great many more limitations; ſuch as the reſtraining the regents from conſenting to a repeal of the act for triennial parliaments; the acts for trials in caſes of treaſon, and ſome others, and ſo extravagant were they in their deſign of making the act appear ridiculous, that they propoſed as a limitation, that they ſhould not have power to repeal the act of ſucceſſion. All theſe were rejected with ſcorn and indignation; the lords ſeeing by this their error in yielding to that propoſed by the earl of Rocheſter. The bill paſſed in the houſe of lords, but the tories proteſted againſt it.

Great oppoſition made to it.

There was not any thing in the management of the tories, by which they ſuffered more in their reputation than by this. They hoped, that the motion for the invitation would have cleared them of all ſuſpicion of inclinations towards the pretended prince of Wales, and would have reconciled the body of the nation to them, and turned them againſt all who ſhould oppoſe it. The management was ſo ill diſguiſed, that it was viſible they intended only to provoke the queen by it, hoping that the provocation might go ſo far, that in the ſequel all their deſigns might be brought about, tho' by a method, that ſeemed quite contrary to them, and deſtructive of them.

Remark on the proceeding of the tories. Burnet.

1705. The bill lay long in the houſe of commons, by a ſecret management, that was againſt it. The tories there likewiſe propoſed, on the 14th of December, that the next ſucceſſor ſhould be brought over; which was moved by Sir Thomas Hanmer, ſeconded by Mr. Benſon, and ſupported by Mr. Bromley, and others. This was oppoſed by the whigs, who moved, That the chairman leave the chair; which was carried in the affirmative without dividing. The ſecret management was from Hanover. Some indigent perſons, and others employed by the tories, had ſtudied to infuſe jealouſies of the queen and her miniſters into the electreſs Sophia. She was then ſeventy-five, but had ſtill ſo much vivacity, that, as ſhe was the moſt knowing and the moſt entertaining woman of the age, ſo ſhe ſeemed willing to change her ſcene, and to come and ſhine here in England. They prevailed with her to write a letter to the archbiſhop of Canterbury, intimating her readineſs to come over, if the queen and parliament ſhould deſire it. This was made public by ſome intriguing perſons in that court, and a colour was ſoon found to keep ſome whigs from agreeing to the act. In the act, which firſt ſettled the ſucceſſion, one limitation had been, that, when the crown ſhould paſs into that houſe, no man, who had either place or penſion, ſhould be capable of ſitting in the houſe of commons. The clauſe in this bill, which impowered either the parliament, which ſhould be current at the queen's death, or that which had ſat laſt (though diſſolved) to ſit for ſix months, or till the ſucceſſor ſhould diſſolve it, ſeemed contrary to this incapacitating clauſe in the former act. Great exceptions were taken to this by ſome zealous whigs, who were ſo poſſeſſed with the notion of a ſelf-denying bill, as neceſſary to preſerve public liberty from the practices of a deſigning court, that for ſome weeks there was cauſe to fear, not only the loſs of the bill, but a breach among the whigs upon this head. Much pains were taken, and with good effect, to heal this. It was at laſt ſettled; and a great many offices were enumerated; and it was declared, that every man, who held any of theſe, was thereby incapacitated from ſitting in the houſe of commons; and every member of the houſe, who accepted of any other office, was, upon that, excluded the houſe, and a new writ was to go out to thoſe, whom he repreſented, to chuſe again; but it was left free to them to chuſe him, or any other, as they pleaſed. It was deſired by thoſe, who preſſed this matter moſt, that it ſhould take place only in the next reign. But, to remove all

A ſecret management in the houſe of commons. Burnet. Pr. H. C. III.

The act of the regency paſſed.

all jealouſy, the miniſters were content, that theſe clauſes 1705.
ſhould take place immediately, upon the diſſolution of the preſent parliament. And, when the houſe of commons ſent up theſe ſelf-denying clauſes to the lords, they added to them a repeal of that clauſe in the firſt act of ſucceſſion, by which the ſucceeding princes were limited to govern by the advice of the council, and by which all the privy-counſellors were to be obliged to ſign their advices; which was impracticable, ſince it was viſible, that no man would be a privy-counſellor on thoſe terms. The lords added the repeal of this clauſe to the amendments ſent up by the commons; and they made ſome alterations in the clauſe inſerted by the commons, their lordſhips excluding only the commiſſioners of the prize-office, and all ſuch new officers, as the court might create for the time to come. Two conferences were held about theſe reſpective amendments between the two houſes; and, the report of the latter conference being made in the houſe of commons, on the 15th of February, it occaſioned a long and warm debate. The court-party endeavoured to ſhew the injuſtice of excluding from the houſe ſuch as were actually performing ſervices to the nation; urging, that all counties and corporations of England have, by their charters, liberty to elect ſuch, as they think beſt qualified to repreſent them in parliament; they ſhould, in great meaſure, be deprived of that liberty by this excluſion of ſeveral officers, military and civil; who, by reaſon of the great eſtates they have in thoſe corporations, ſeldom fail, and have more right than any others, to be choſen. And that the excluſion of thoſe officers would very much abate the noble ardour, which ſeveral gentlemen ſhewed at this juncture, to ſerve the nation in this juſt and neceſſary war, ſince they could not but look upon it as a diſgrace, to be made incapable of ſerving likewiſe their country in parliament. The oppoſite party, which chiefly conſiſted of the tories, with whom ſeveral of the whigs joined on this occaſion, alledged, the ill uſe, which a bad prince might make of a parliament, in which there ſhould be many of his creatures; ſuch are generally all thoſe, who have employments immediately depending on the crown. The other party, foreſeeing that they ſhould loſe the queſtion, agreed to the poſtponing of three of the lords amendments, having already agreed to one of them. But, three days after, being reinforced by the return of thoſe, who, for ſome time, had voted on the contrary ſide, the lords amend-

1705. ments were approved, with ſome few alterations; to which the lords agreed on the 19th of February (1).

Com-plaints of the Allies rejected. Burnet. Pr. H. C.

On the 22d of November, the lord Haverſham moved, that the miſcarriages of the laſt campaign, occaſioned by the allies, might be inquired into. In the courſe of this debate, the errors, committed in the conduct of the war this year, were complained of; the blame, indeed, of the miſcarriage of the deſign on the Moſelle was laid on the prince of Baden, and the errors in Brabant on the States and their deputies. But, as the party ſaid, they could not judge of theſe things, nor be able to lay before the queen thoſe advices, that might be fit for them to offer to her, unleſs they were made acquainted with the whole ſeries of theſe affairs;

(1) The debates in both houſes about the invitation of the princeſs Sophia having made a great noiſe, Mr. Charles Gildon, a writer, well known for his ſhare in the oracles of reaſon, and for his confutation of that book afterwards, either by directions from others, or out of mere zeal, handed to the preſs a letter from Sir Rowland Gwynne to the Right Hon. the Earl of Stamford, dated at Hanover, January 1, O. S. 1705-6, importing in ſubſtance, 'That the princeſs Sophia being informed, that her good intentions to the queen and nation were miſrepreſented, ſome having reported, That ſhe might give riſe to intrigues againſt the queen and the public, if ſhe came thither; ſhe thought herſelf therefore obliged to declare to the lord archbiſhop of Canterbury and others, to whom ſhe wrote, and alſo to tell the duke of Marlborough and the earl of Sunderland, when they were at Hanover, That ſhe would always moſt ſincerely maintain a true friendſhip with the queen, and alſo be ready to comply with the deſires of the nation in whatever depended upon her, though ſhe ſhould hazard her perſon in paſſing the ſeas, if they thought it neceſſary towards the eſtabliſhment of the proteſtant ſucceſſion, and for the good of the kingdom. But that, in the mean time, ſhe lived in great quiet and content there, without meddling with parties or cabals, and left it to the queen and parliament to do whatever they ſhould think fit. That none but Jacobites can have the malice to invent and inſinuate to others, That the preſence of the ſucceſſor was dangerous, That we had been proud to ſay, that the houſe of Hanover, the people of England, and our poſterity were moſt obliged to the whigs, next to the king, for ſettling the ſucceſſion of that moſt ſerene houſe; and how much ſhould we be to be blamed, if we ſhould loſe this merit, by parting with our principles, that were ſo well grounded upon honour and the public good, and by deſtroying the work of our own hands for a baſe and uncertain intereſt,

affairs; therefore they propoſed, that by an addreſs they might pray the queen to communicate to them all that ſhe knew concerning thoſe tranſactions during the laſt campaign; for they reckoned, that, if all particulars ſhould be laid before them, they ſhould find ſomewhat in the duke of Marlborough's conduct, on which a cenſure might be fixed. To this it was anſwered, that, if a complaint was brought againſt any of the queen's ſubjects, it would be reaſonable for them to inquire into it by all proper ways; but the houſe of lords could not pretend to examine or to cenſure the conduct of the queen's allies, who were not ſubject to them, nor 1705.

'or for a blind obedience to 'thoſe, who led others where 'they pleaſed, and yet were led 'themſelves by their paſſions or 'imaginary proſpects, of which 'they might yet be diſappointed? For if they hoped to get 'into favour by ſuch methods, 'they could not be long ſerviceable, nor preſerve the favour they ſought; for they would ſoon be caſt off, when it was found, that they had loſt the eſteem and affection 'of the people by their weak 'or mercenary conduct. That 'they could not do any thing 'that would better pleaſe their 'enemies; for, while they 'thought to keep down the 'tories by a majority, and oppoſe them, even in things ſo 'reaſonable and juſt, they 'would raiſe the reputation of 'that party, inſtead of leſſening 'it. That he was ſorry for 'thoſe, who ſuffered themſelves 'to be impoſed upon; but they 'who had wicked deſigns, 'might one day repent of them, 'for they muſt either plunge 'the nation into the greateſt 'confuſion, to make it unable 'to puniſh them, or be anſwerable for the dangers, into 'which they were like to bring 'it. That he could not conceive what colour any body 'could have for ſo baſe an inſinuation, as, That the coming of the electreſs into England would ſet up two courts, 'that would oppoſe each other, 'for the electreſs declared, that 'ſhe would be intirely united 'with the queen; and that all 'thoſe, who imagined ſhe 'would countenance any intrigue againſt her majeſty, 'would be very much deceived 'in their expectations. That 'ſuppoſing, contrary to all appearance, that diſcontented ill 'men might impoſe upon the 'electreſs's good nature, and 'incline her to do ſuch things, 'as might diſpleaſe the queen, 'what hurt could that do, 'ſince her royal highneſs's 'court could have no power 'in England, and muſt be ſubject to the queen's court? So 'that it was moſt abſurd to 'make people believe, that this 'pretended oppoſition of the 'two courts could bring the 'nation into ſo great dangers, 'as thoſe they might avoid by 'having the proteſtant heir in 'the kingdom. That the keeping the proteſtant heir at a 'diſtance muſt be grounded 'upon two ſuppoſitions equally 'wicked and criminal: firſt,

1705. nor could be heard to juſtify themſelves; and it was ſomewhat extraordinary, if they ſhould paſs a cenſure, or make a complaint of them. It was one of the truſts, which was lodged with the government, to manage all treaties and alliances, ſo that our commerce with our allies was wholly in the crown. Allies might ſometimes fail, being not able to perform what they undertook; they are ſubject to errors and accidents, and are ſometimes ill-ſerved. The entering into that matter was not at all proper for the houſe, unleſs it was intended to run into raſh and indiſcreet cenſures, on deſign to provoke the allies, and by that means to weaken, if not break the alliance. The queen would, no doubt, endeavour

'That the queen was againſt the electreſs's coming over: And ſecondly, That her being in England, during the queen's life, was a thing ill in itſelf. That, in ſhort, to oppoſe the further ſecuring of the proteſtant ſucceſſion was to act directly for the Jacobites; and to hinder the ſucceſſor's coming into England was to oppoſe the further ſecuring of the ſucceſſion.' This letter having been publiſhed, and giving great offence to the miniſtry, a complaint was made of it, on the 8th of March, in the houſe of commons, who, after the reading of it, came to this reſolution, 'That it was a ſcandalous, falſe, and malicious libel, tending to create a miſunderſtanding between her majeſty and the princeſs Sophia, and highly reflecting upon her majeſty, upon the princeſs Sophia, and upon the proceedings of both houſes of parliament: That an addreſs be preſented to her majeſty, that ſhe would be pleaſed to give order for the diſcovery and proſecuting the author, printer, and publiſhers of the ſaid pamphlet; and that the ſaid reſolutions be communicated to the lords at a conference, and their concurrence deſired thereunto.' The lords readily concurred with the commons; and, upon the two houſes preſenting the addreſs, on the 12th of March, purſuant to the ſaid reſolutions, the queen told them, 'That nothing could be more acceptable to her than ſo ſeaſonable an inſtance of their concern to preſerve a good underſtanding between her and the princeſs Sophia, and of their care to defeat the artifices of deſigning and malicious men. That ſhe was fully ſenſible of the very ill deſigns of the paper, which they had ſo juſtly cenſured; and ſhe would not fail to give the neceſſary directions for complying, in the moſt effectual manner, with all they deſired in their addreſs.' Accordingly, about a year after, on the 14th of February 1706-7, Mr. Charles Gildon was tried at Guild-Hall, and being found guilty of publiſhing Sir Rowland Gwynne's letter to the earl of Stamford, was fined, on the 12th of May 1707, one hundred pounds by the court of queen's bench. Pr. H. C. III.

endeavour to redreſs whatever was amiſs, and that muſt be truſted to her conduct. Thus this attempt, which was chiefly levelled againſt the duke of Marlborough, not only failed, but it happened upon this, as upon other occaſions, that it was turned againſt thoſe who made it. For, on the 27th of November, the two houſes attended the queen with an addreſs, importing, "That being juſtly alarmed by the "many artifices, which the emiſſaries of France had put "in practice the laſt year, in order to raiſe jealouſies, and "create miſunderſtandings amongſt the allies; and being "apprehenſive leſt ſuch malicious inſinuations, if they "ſhould paſs unobſerved, might in time ſo far take place, "as to abate the ſpirit, and ſlacken the zeal of the confe-"deracy; they moſt humbly beſought her majeſty, to uſe "all poſſible endeavours to preſerve a good correſpondence "amongſt all the confederates, and, in a particular man-"ner, to maintain and cultivate a ſtrict friendſhip with the "States-general of the United-provinces; as alſo, by all "proper means, to excite the whole confederacy to make "early and effectual preparations, and to exert their utmoſt "vigour in the proſecution of the war againſt France." This had a very good effect in Holland; for the agents of France were, at the ſame time, both ſpreading reports in England, that the Dutch were inclined to a peace; and, in Holland, that the Engliſh had unkind thoughts of them. The deſign was to alienate us from each other, that ſo both might be the better diſpoſed to hearken to a project of peace, which, in the preſent ſtate of affairs, was the moſt deſtructive thing that could be thought on; and all motions, that looked that way, gave very evident diſcoveries of the bad intentions of thoſe who made them. 1705.

The queen having laid before the two houſes the addreſſes of the Scots parliament againſt any progreſs in the treaty of union, till the act, which declared them aliens by ſuch a day, ſhould be repealed; the tories, upon this occaſion, to make themſelves popular, after they had failed in many attempts, reſolved to promote this, apprehending, that the whigs, who had firſt moved for that act, would be for maintaining their own work; but they ſeemed to be much ſurpriſed, when, after they had prefaced their motions in this matter with ſuch declarations of their intentions for the public good, that ſhewed they expected oppoſition and a debate; the whigs not only agreed to this, but carried the matter further to the other act relating to their manufacture and trade. This paſſed very unanimouſly in both houſes; and, The acts againſt the Scots repealed. Pr. H. C. Burnet.

1705. and, by this means, way was made for opening a treaty, as ſoon as the ſeſſion ſhould come to an end. All the northern parts of England, that had been diſturbed for ſome years with apprehenſions of a war with Scotland, which would certainly be miſchievous to them, whatever the end of it might prove, were much delighted with the proſpect of peace and union with their neighbours (a)

The queen's ſpeech about the Spaniſh affairs. Pr. H. C. III. 447.

The nation having been long in ſuſpence about the ſucceſs of the earl of Peterborough's expedition, when the account of it was at laſt brought by captain Norris in the Britannia, with the lord Shannon and brigadier Stanhope, the queen went to the houſe of peers on the 27th of November, and, the commons being ſent for, ſhe made the following ſpeech to both houſes:

My lords and gentlemen,

"HAving newly received letters from the king of Spain "and the earl of Peterborough, which contain a very "particular account of our great and happy ſucceſſes in "Catalonia, and ſhewing, at the ſame time, the reaſonable-"neſs of their being immediately ſupported; I look upon "this to be a matter of ſo much conſequence in itſelf, and "ſo agreeable to you, that I have ordered a copy of the "king of Spain's letter to myſelf; a letter from the Ju[illegible] "of the military arm of Catalonia; and another lett[illegible] "the city of Vich; as alſo an extract of the earl of Pete[illegible] "borough's letter to me, to be communicated to both "houſes of parliament.

"I recommend the conſideration of them to you, gen-"tlemen of the houſe of commons, very particularly, as "the ſpeedieſt way to reſtore the monarchy of Spain to the "houſe of Auſtria. And therefore I aſſure myſelf, you "will enable me to proſecute the advantages we have gained, "in the moſt effectual manner, and to improve the oppor-"tunity, which God almighty is pleaſed to afford us, of "putting a proſperous end to the preſent war.

My

(a) The commons, in the mean while, proceeded with great unanimity in voting ſeveral branches of the ſupply; and, the queſtion being propoſed on the 22d of November, Whether it ſhould be referred to the committee, to conſider, that, in the clauſe for adding ten thouſand men to act in conjunction with the Dutch, it ſhould be provided, that the Dutch be obliged to leave off trading with France? It was carried in the negative by a majority of one hundred and eighty-four againſt an hundred and ſeventeen.

My lords and gentlemen, 1705.

"I muſt not loſe this occaſion of deſiring you to give as "much diſpatch to the matters before you, as the nature "of them will allow; that ſo our preparations for the next "year may be early, which cannot fail of being of great "advantage to us."

The commons being returned to their houſe, Mr. Secretary Hedges laid before them the letters mentioned in the queen's ſpeech; and, two days after, they voted the granting of ſeveral ſums, and, in particular, two hundred and fifty thouſand pounds, for her majeſty's proportion of the charge of proſecuting the ſucceſſes already gained by king Charles III. for the recovery of the monarchy of Spain to the houſe of Auſtria.

After the act for the regency had paſſed, the lord Halifax remembering what the earl of Rocheſter had ſaid concerning the danger the church might be in, moved, that a day might be appointed, to inquire into theſe dangers, about which ſo many tragical ſtories had been publiſhed of late. Accordingly, the 6th of December was appointed for this purpoſe, when the earl of Rocheſter began the debate (the queen being preſent) and told their lordſhips, "That the "ſubject-matter of it was of ſo tender a nature, that it was "difficult to ſpeak to it; for her majeſty had expreſſed her-"ſelf ſo concluſively in her ſpeech, that it ſeemed to be to "contradict the queen, to ſpeak freely: but in regard, that "the miniſters might be ſuppoſed to make the ſpeeches, he "deſired, that what he had ſaid might not be offenſive to "the queen; for whom he had all the affection and reſpect, "that could be. He urged, that miniſters might miſtake, "and not always act for the public good; and inſtanced in "the miniſtry of Portugal, where the king was our friend, "but the miniſtry ſeemed to be otherwiſe, inſomuch that "the alliance was of no benefit to us; and added, that the "duke of Buckingham and archbiſhop Laud were heartily "in the intereſt of king Charles I. but did many things "that very much injured him. The full expreſſions in the "queen's ſpeech he compared to the law in king Charles "the ſecond's time, to make it treaſon to call the king a "papiſt; for which very reaſon, he ſaid, he always thought "him ſo. The reaſons he gave for his fear of the church's "danger, aroſe from theſe three cauſes: firſt, the act of "ſecurity in Scotland: ſecondly, the heir of the houſe of "Hanover not being ſent for over: thirdly, the not paſſing "the occaſional bill. Upon the firſt, he ſaid, the preſby-

"terian

The danger of the church inquired into. Burnet. Pr. H. L. II. 154.

1705. "terian church in Scotland was fully eſtabliſhed without a "toleration. That to arm that people, was to give them "a power to invade England, where they had a powerful "party for their friends, who never wanted the will to de- "ſtroy the church. That he thought the heir to the "crown ought to be preſent among us, in order to be fully "acquainted with us and our conſtitution, and thereby in- "abled to prevent any evil deſigns upon the church and "ſtate. That the occaſional conformity bill was in itſelf "ſo reaſonable, and the church's requeſt in it ſo ſmall, "that the induſtry in oppoſing it, gave the greater ground "for ſuſpicion."

When the earl had done, the houſe ſat ſtill a quarter of an hour; expecting that ſome body would ſecond him; but, no other lord ſpeaking on that ſide, the lord Halifax ſaid, "That, he having moved for the preſent debate, it might "be expected, that he ſhould ſpeak to it. He ſaid, the act "of ſecurity in Scotland was a national thing, wholly fo- "reign to church-affairs. That it was paſſed only to pre- "vent an immediate war, which the Scots ſeemed to have "reſolved upon. That, in caſe it ſhould ever be made uſe "of, it would be but as other wars with that nation had "been in former days, wherein England was always [illegible] "to defend itſelf, and would be ſure hereafter to be more "able to do it, inſomuch that the ſtrength of England was "increaſed much more in proportion than that of Scotland; "ſo that, unleſs France, whoſe hands were already too full, "ſhould come into the quarrel, it would ſignify little; but "that, by God's bleſſing, things were ſo well compromiſed "with the Scots, and their former heats ſo much abated, "that there was no reaſon to doubt of an amicable iſſue of "that difference. As to the houſe of Hanover, he ſaid, "that was a danger but of eight days ſtanding; for he "durſt ſay, a fortnight ago, no body made the abſence of "the princeſs Sophia a danger to the church: and, as for "her abſence upon the queen's demiſe, that was now ſo "well provided for by the act for lords-juſtices, that he "thought no evil could poſſibly happen to the church be- "fore her arrival. That he wondered the houſe of Hanover "ſhould be now eſteemed ſuch a ſecurity to the church, "whereas, when the laws were made for the ſecurity of "that ſucceſſion, it was generally reckoned a hardſhip upon "the church; urging, that a clergyman, in a company of "convocation-men, had openly called the princeſs Sophia "an unbaptized Lutheran, the truth of which he could

" prove. As to the occaſional bill, he ſaid, that matter 1705.
" had been canvaſſed already; and it was then the opinion
" of that houſe, that it would not prove of any advantage
" and ſecurity to the church, but rather the contrary.
" That, upon the whole, there had been times in their
" memory, wherein the church might be ſaid to be in dan-
" ger. That king Charles II. was a Roman catholic; at
" leaſt, his brother thought fit to declare it after his death;
" and the ſucceſſor, who had the management of all affairs,
" was known to be ſuch; and yet the church thought her-
" ſelf then ſecure; and thoſe patriots, who ſtood up in its
" defence, and endeavoured to prevent the evils which
" might enſue from a popiſh ſucceſſor, were diſcountenanced
" and puniſhed. Nay (added his lordſhip) when that ſuc-
" ceſſor came to the throne, and that the church was very
" apparently in the greateſt danger by the high-commiſſion
" court, and otherwiſe, we were then indeed generally
" alarmed; but we know who ſat in that court, and went
" large ſteps in the work then on foot (a). That, ſoon
" after the ſucceſſion of king William to the crown, the
" cry of the church's danger began, and was continued all
" his reign, but with what ground his lordſhip was yet
" unacquainted with. That, upon her majeſty's happy
" ſucceſſion, for ſome time the complaint was ſilent; but
" that, when ſhe was pleaſed to make ſome alterations in
" her miniſtry, it was immediately revived, and ever ſince
" continued: and ſo his lordſhip concluded, that the church
" was now in no danger."

The biſhop of London (Compton) coming into the houſe juſt as theſe laſt words were delivered, immediately took up the lord Halifax; giving, for his reaſon of the church's being in danger, " That profaneneſs and irreligion were ſo
" rife among us, and the licentiouſneſs of the preſs ſo into-
" lerable, that a moſt vile book had been lately publiſhed
" by a clergyman in his dioceſe (meaning Mr. Hickeringhill)
" whom he had endeavoured to puniſh; but that he had
" ſuch ſubterfuges in the quirks of the law, that he could
" not come at him: and that ſermons were preached,
" wherein rebellion was countenanced, and reſiſtance to
" the higher powers encouraged." To this the biſhop of Saliſbury replied, " That his lordſhip ought to have been
" the laſt man to complain of that ſermon (meaning Mr.
" Benjamin Hoadley's before the lord-mayor) for, if the
" doctrine

(a) The earl of Rocheſter was one of the eccleſiaſtical commiſſioners in king James IId's time.

1705. "doctrine of that ſermon was not good, he did not know "what defence his lordſhip could make for his appearing in "arms at Nottingham. Then the biſhop, proceeding to "the queſtion in debate, inſtanced in a piece of French "hiſtory in the reign of Henry the third (which, he ſaid, "had been much in vogue of late in a neighbouring houſe *) "in whoſe time the catholics ſet up the ſame cry of the "church's danger from the Huguenots, and forced the "king to comply with them; but that, their power thereby "becoming great, they turned it upon the king himſelf, "and he found he ſhould be thruſt into a monaſtery, if he "did not ſpeedily cruſh them, and therefore ſtabbed the "duke of Guiſe to the heart. To the reaſons, which the "noble lord, who began the debate, gave for the church's "danger, he replied, That, as to the Scots affairs, he was "particularly acquainted with them, and therefore he would "venture to ſpeak with the more aſſurance. That the "Scots Kirk being eſtabliſhed without a toleration, was an "unfair allegation; for there needed no law for toleration, "where there was no law to inhibit. The Epiſcopalians "were not forbid to worſhip God their own way, being "only excluded from livings; and that there were at that "time fourteen epiſcopal meeting-houſes in Edinburgh, as "open as the churches, and as freely reſorted to; in many "of which the Engliſh liturgy was uſed, but that in ſeveral "of them the queen was not prayed for. And the bill for "giving patrons liberty of conferring their benefices on "clerks epiſcopally ordained would have paſſed (at leaſt, "king William had allowed it) if they would have put in "a clauſe to oblige them to take the oath to the govern-"ment; but, upon offering that clauſe, the perſon, that "ſolicited it, let it drop. That, if the lord, who had "mentioned the act of ſecurity, had looked two years "backwards, he might have found another law, which "ſeemed much more to his purpoſe; namely, the act for "confirming preſbytery, 1 Annæ; but his lordſhip was a "miniſter of ſtate, when that act paſſed, and ſo perhaps "adviſed it." As to the argument of the Hanover family, it was not obſerved, that the biſhop offered any thing remarkable; and, for the occaſional conformity bill, he ſaid, "It had been there already ſufficiently argued, and he was "glad they were rid of it: but, as to what a noble prelate "had advanced, he owned, that the church would always "be ſubject to the enmity of profaneneſs and irreligion: "that the devil would have his agents in the world, be the "government

* Sir Humphrey Mackworth had made uſe of it.

"government never ſo careful; but he hoped he might ſay, 1705.
"that irreligion and profaneneſs were not now at a higher
"pitch than uſually: that he hoped quite the contrary, and
"thought the ſociety ſet up for reformation in London, and
"other cities, had contributed conſiderably to the ſuppreſ-
"ſing of vice. He was ſure the corporation for the propa-
"gation of the goſpel, had done a great deal towards in-
"ſtructing men in religion, by giving great numbers of
"books in practical divinity; by erecting libraries in country
"pariſhes; by ſending over many able divines to the foreign
"plantations; erecting libraries for their uſe; and ſetting
"up ſchools to breed up children in chriſtian knowledge:
"that, to his knowledge, one thouſand two hundred
"pounds had been expended, the year before, in books to
"theſe purpoſes, all collected by voluntary contribution,
"but, in truth, very little from thoſe, who appeared ſo
"wonderfully zealous for the church. That the preſs was
"indeed become very licentious, and ſermons were preached,
"wherein very ſtrange expreſſions were publiſhed: that he
"would read ſome of them to their lordſhips; and then
"taking out Tilly's and Madder's ſermons, and having
"read ſome paragraphs, theſe, ſaid he, were preached at
"Oxford, and theſe are the men picked out for public
"occaſions." Then the archbiſhop of York, ſtanding up,
ſaid, That he apprehended danger from the increaſe of diſ-
ſenters, and particularly from the many academies ſet up by
them; and moved, "That the judges might be conſulted
"what laws were in force againſt ſuch ſeminaries, and by
"what means they might be ſuppreſſed." Hereupon the
lord Wharton moved, "That the judges might alſo be
"conſulted, about means of ſuppreſſing ſchools and
"ſeminaries held by Nonjurors, in one of which a noble
"lord of that houſe had both his ſons educated." Upon
which the ſame archbiſhop ſtood up again, and ſaid, "He
"ſuppoſed he was the perſon meant, and therefore he muſt
"explain that matter. He owned his two ſons were taught
"by Mr. Ellis, a ſober virtuous man, and a man of letters,
"who had qualified himſelf according to law, when they
"were ſent to him; but, when the abjuration-oath was
"injoined, it ſeems, he refuſed it; which, as ſoon as he
"was informed of, he took his ſons from him." The lord
Wharton, having made a reply to this, went on, and ſaid,
"That, although he had been born and bred a diſſenter,
"yet he ſoon conformed to the church, when he grew up,
"and became acquainted with its doctrine and diſcipline:
"that

1705. "that he was now firmly reſolved, by God's bleſſing, al-
"ways to continue in that church, and would go as far in
"defending it as any man. Wherefore, if he were now
"ſenſible, that it was in any danger, he would heartily
"concur in providing remedies againſt it; but that, after
"all the cry and expectation they were ſcrewed up to,
"hearing wherein thoſe dangers conſiſted, it appeared juſt
"as he expected, namely, that it was only repeating the
"memorial, which pamphlet he had carefully read over, but
"could learn nothing from it, except that the d—— of
* Buckingham. "B——*, the e—— of R——†, the e—— of N——‖, were
† Rochester. "out of place. What theſe B's, R's, and N's meant;
‖ Nottingham. "he could not tell: perhaps there might be ſome charm in
"it for the church's ſecurity; but, if theſe letters meant
"ſome noble perſons there preſent, he remembered very
"well, that ſome of them ſat in the high-commiſſion court,
"and then made no complaints of the church's danger:
"but now that we had a queen, who was herſelf a real
"lover of the church, and had given ſuch encouragement
"and bountiful tokens of her affection to it, we muſt not be
"amuſed with the church's danger. But he concluded,
"with being of opinion, That the church was in no dan-
"ger." Then Patrick, biſhop of Ely, ſtood up, and moved, "That the judges might be conſulted, what power
"the queen had in viſiting the univerſities; complaining
"of the heat and paſſion of the gentlemen there, which
"they inculcated into their pupils, who brought the ſame
"fury with them to the pariſhes, when they came abroad,
"to the great diſturbance of public charity. That, at the
"election at Cambridge, it was ſhameful to ſee an hundred
"or more young ſtudents encouraged in hollowing, like
"ſchool-boys and porters, and crying out, No fanatics, no
"occaſional conformity, againſt two worthy gentlemen who
"ſtood candidates. Adding another complaint, of the un-
"dutifulneſs of the clergy to their biſhops, and the difficulty
"the latter had to govern them regularly." Hough, biſhop of Litchfield and Coventry, made the ſame complaint; ſpoke of the opprobrious names, which the clergy gave their biſhops, and of the calumnies they laid on them, as if they were in a plot to deſtroy the church, and had compounded to be the laſt of their order; and, when the plot was ripe, to reſign their biſhopricks, and accept of a penſion for life. He alledged, That the church was as well governed, as it had at any time been; challenged any body to charge the biſhops with any omiſſion of their duty, or any action

wherein they ſtrained their power, or injured any body; 1705.
mentioned the honour he had to ſuffer in a good cauſe; and added, that he thought that might have protected his reputation from the aſperſion of being an enemy to the church. Hooper, biſhop of Bath and Wells, complained of the terms of high-church and low-church, ſaying, "That it was an "invidious diſtinction, tending to ſet us at enmity: that, "by high-church, people were made to believe a man in-"clined to popery, or, at leaſt, one that endeavoured to "carry church-power beyond our conſtitution; which he "thought was great injuſtice to the gentlemen that bore "that character, who meant nothing more than to keep up "the juſt dignity and diſcipline of the church: neither did "he believe, that the others, called the low-church, had "any deſigns of lowering or levelling it with preſbytery, "as was, on the other hand, maliciouſly ſuggeſted." The duke of Leeds obſerved, "That he apprehended the church "was in danger, and that it could not be ſafe without the "act againſt occaſional conformity: adding, that the queen "had, in a diſcourſe with him, declared herſelf of that "opinion." The lord Sommers recapitulated all the arguments on both ſides (a), added his own judgment, and ended with

(a) Biſhop Burnet gives us the ſubſtance of the debates in the following manner: On the day appointed we were all made believe, that we ſhould hear many frightful things; but our expectations were not anſwered: ſome ſpoke of danger from the preſbytery, that was ſettled in Scotland: ſome ſpoke of the abſence of the next ſucceſſor: ſome reflected on the occaſional bill, that was rejected in that houſe: ſome complained of the ſchools of the diſſenters: and others reflected on the principles that many had drank in, that were different from thoſe formerly received, and that ſeemed deſtructive of the church.

In oppoſition to all this, it was ſaid, that the church was ſafer now than ever it had been: at the revolution, proviſion was made, that our king muſt be of the reformed religion, nor was this all; in the late act of ſucceſſion it was enacted, that he ſhould be of the communion of the church of England: it was not reaſonable to object to the houſe the rejecting a bill, which was done by the majority, of whom it became not the leſſer number to complain: we had all our former laws left to us, not only intire, but fortified by late additions and explanations; ſo that we were ſafer in all theſe, than we had been at any time formerly: the diſſenters gained no new ſtrength, they were viſibly decreaſing: the toleration had ſoftened their tempers,

1705. with a declaration, "That the nation was happy, and under a moſt wiſe and juſt adminiſtration, wherein the public money was juſtly applied, the treaſury kept in a moſt regular method, and thereby the public credit in the higheſt eſteem: the armies and fleets were ſupplied; and the ſucceſs of her majeſty's arms gave the nation greater honour and reputation than had ever been known; and that we had a fair proſpect of bringing the war to a happy concluſion, to the immortal honour of the preſent age, and to the inexpreſſible benefit and ſafety of poſterity. Wherefore for men to raiſe groundleſs jealouſies, at this time of day, could mean no leſs than an intention to imbroil us at home, and to defeat all thoſe glorious deſigns abroad." The debate being at length over, the queſtion was put, Whether the church of England was in danger? which, upon a diviſion, was carried in the negative by a majority of ſixty-one voices againſt thirty; and then their lordſhips made the following vote, viz. "Reſolved "by the lords ſpiritual and temporal, that the church of "England, as by law eſtabliſhed, which was reſcued from "the extremeſt danger by king William III. of glorious "memory, is now, by God's bleſſing, under the happy "reign of her majeſty, in a moſt ſafe and flouriſhing condition;

tempers, and they concurred zealouſly in ſerving all the ends of the government; nor was there any particular complaint brought againſt them: they ſeemed quiet and content with their toleration, if they could be but ſecure of enjoying it: the queen was taking the moſt effectual means poſſible to deliver the clergy from the depreſſions of poverty, that brought them under much contempt, and denied them the neceſſary means and helps of ſtudy: the biſhops looked after their dioceſes with a care, that had not been known in the memory of man: great ſums were yearly raiſed, by their care and zeal, for ſerving the plantations better than had ever yet been done: a ſpirit of zeal and piety appeared in our churches, and at ſacrament, beyond the example of former times. In one reſpect it was acknowledged the church was in danger; there was an evil ſpirit and a virulent temper ſpread among the clergy; there were many indecent ſermons preached on public occaſions, and thoſe hot clergymen, who were not the moſt regular in their lives, had raiſed factions in many dioceſes againſt their biſhops: theſe were dangers created by thoſe very men, who filled the nation with this outcry againſt imaginary ones, while their own conduct produced real and threatening dangers. Burnet, vol. II. 455

"dition; and whoever goes about to ſuggeſt and inſinuate, 1705.
"that the church is in danger under her majeſty's ad-
"miniſtration," is an enemy to the queen, the church,
"and the kingdom (a).

The

(a) However this reſolution was oppoſed by many lords; who entered the following reaſons for diſſenting from it: Firſt, 'Becauſe they conceived there 'might be dangers to the church 'always impending on ſeveral 'accounts: That the prayers, 'ſet forth to be uſed on the 'ſolemn faſt-days, under the 'the head of a prayer for unity, imploring God almighty's 'grace, that every body may 'ſeriouſly lay to heart the great 'danger we are in by our unhappy diviſions, ſhewed plainly, that in the opinion of the 'compilers of that form of 'prayer, and in her majeſty's 'judgment, who commanded it 'to be uſed in all the churches 'and chapels throughout England and Wales, there were 'very many dangers.' Secondly, 'They conceived the church 'in danger from a neighbouring kingdom, which, though 'under her majeſty's ſovereignty, during her life, had not 'yet been induced to ſettle the 'ſame ſucceſſion to the crown, 'as was eſtabliſhed in this kingdom in the proteſtant line; 'but that, on the contrary, that 'ſucceſſion had been abrogated 'by the act of ſecurity, which, 'with ſeveral other acts paſſed 'in that kingdom, had been 'judged by this houſe to be 'dangerous to the preſent and 'future peace of this kingdom.' Thirdly, 'They conceived there 'might be very great dangers 'to the church for want of a 'law to prevent any perſons 'whatſoever from holding any 'offices of truſt, and authority, 'both in church and ſtate, who 'were not conſtantly of the 'communion of the church 'eſtabliſhed by law; and therefore, on the account of the unhappy diviſions in point of 'religious and divine worſhip, 'as alſo on the account of the 'calamities of the age, in the 'too public and common diſowning any religion at all, 'the church might be in danger.' Fourthly, 'Though they 'had an intire confidence in her 'majeſty's zeal and piety to the 'church, they durſt not, in duty 'to her majeſty, and the ſervice 'of the government, condemn 'all ſuch as might have fears, in 'relation to the preſervation of 'the church and ſafety of the 'crown.' And, fifthly, 'being 'ſincerely convinced, that theſe 'reaſons among others mentioned in the debate, were 'ſufficient to juſtify their fears, 'they conceived, that it was 'not a proper way to prevent 'dangers, by voting there are 'none.' Theſe reaſons were ſigned by the following peers,

Duke of Buckingham,
Earl of Northampton,
Earl of Caernarvon,
Earl of Weymouth,
Lord Osborn,
Earl of Denbigh,
Dr. George Hooper, biſhop of Bath and Wells,
Lord Granville,

1705. The next day, December 7, the lords ſent a meſſage to the commons, to acquaint them with their proceedings, and to deſire their concurrence to their reſolution in relation to the church. Whereupon the queſtion was put the day following, whether they ſhould conſider of that meſſage in a committee, or in a full houſe? It being carried for the latter by a majority of two hundred and twenty-two voices againſt one hundred and ſixty-one, Mr. Bromley opened the debate with a ſpeech, wherein he endeavoured to prove the church to be in danger by the ſame arguments, that had been inſiſted on in the houſe of peers, ſuch as, "The power of the preſbyterians in Scotland; where the "church of England was not ſo much as tolerated: The "abſence of the next proteſtant ſucceſſor, in caſe of the "queen's demiſe: The want of an act againſt occaſional "conformity: The increaſe of preſbyterian ſchools and "ſeminaries: Profaneneſs, immorality, and irreligion: And "the act of ſecurity paſſed in Scotland: To which he "added another, viz. the abuſe and ill diſpenſation of "her majeſty's late bounty to the clergy." Sir John Packington, who ſpoke on the ſame ſide, urged the licentiouſneſs of the preſs and the great number of libels, which were daily publiſhed againſt the church; the increaſe of preſbyterian coventicles; and the lords reſolution itſelf, which was the ſubject matter of their debate, as proofs of the church's being in danger; adding, "That, if the com-"mons agreed to that reſolve, the ſame would, in ſome "meaſure, have the force of an act of parliament, which "would be a dangerous weapon in the hands of ill miniſ-"ters of ſtate, who thereby might awe people into ſilence, "in

The com-mons con-cur with the lords. Pr. H. C.

Duke of Beaufort,
Earl of Winchelſea,
Earl of Nottingham,
Lord North and Grey,
Earl of Angleſea,
Lord Craven,
Lord Chandos,
Lord Guernſey,
Earl of Thanet,
Earl of Scarſdale,
Earl of Rocheſter,
Lord Conway,
Lord Howard of Eſcrick,
Henry, biſhop of London,
Duke of Leeds,
Lord Guildford,
Earl of Abingdon,
Lord Haverſham.

The lord Haverſham proteſted only for the firſt, ſecond, and fourth reaſons. The archbiſhop of York, the biſhop of St. Aſaph, the earl of Suſſex, and the lord Leigh were of the thirty, who voted againſt the reſolution, but did not enter their proteſt; and the archbiſhop of York and the biſhop of Rocheſter proteſted afterwards.

"in case the fancy should take them to suppress episco- 1705.
"pacy." The opposite party answered these arguments, and, after a long debate, the lords resolution was agreed to by a majority of two hundred and twelve against a hundred and sixty; and on the 14th of December, the commons agreed likewise with the lords in an address to the to the queen, containing the resolution relating to the church, "beseeching her withal, to take effectual mea-"sures for making the resolution public; and also for "punishing the authors and spreaders of the seditious and "scandalous reports of the church being in danger." The queen answered, "That she should freely comply with their "address, and was very well pleased to find both houses "so forward to join with her in putting a stop to these "malicious reports." And, according to the desire of both houses, the queen on the 20th, of December ordered a proclamation to be issued out for making their resolution public; and "for discovering the author of the memorial "of the church of England, and apprehending David Ed-"wards, a professed papist, charged upon oath to be the "printer and publisher of that libel (a)."

The queen came, the next day, to the house of peers, and among other bills gave the royal assent to an act for the naturalization of the most excellent princess Sophia, electress and duchess dowager of Hanover, and the issue of her body; which done she made a speech to both houses, wherein she took notice of the unanimity of their proceedings, and of the good disposition they had shewn towards an union with Scotland; and returned the commons thanks for the great dispatch of this seasonable supply, not doubting but, after the recess, they would return with the same good dispositions to give all possible dispatch to the public affairs still depending. The commons, having resolved to present

(a) In the debates of this session some severe remarks were made on the men in power. December 19, the regency-bill, ingrossed from the lords, intitled, An act for the better security of her majesty's person and government, and of the succession to the crown of England in the protestant line, being read a second time; a debate rose thereupon, wherein Charles Cæsar Esq; member for the borough of Hertford, said, among other things, 'That there 'was a noble lord, without 'whose advice the queen did 'nothing, who, in the late 'reign, was known to keep a 'constant correspondence with 'the court of St. Germains.' This being a severe reflection on

1705. preſent an addreſs of thanks for this ſpeech, adjourned themſelves to the 7th of January following.

1705-6. As ſoon as the commons met again (a), Mr. ſecretary Hedges acquainted the houſe, "That her majeſty, in purſuance of the addreſs of both houſes, had put out a "proclamation, in which was an enouragement for the "diſcovery of the author of the Memorial of the church "of England, &c. The printer of which book being now "in cuſtody, and other perſons examined, in whoſe depoſitions there appeared the names of ſome members of "this houſe; her majeſty's tenderneſs for any thing, which "had the appearance of the privileges of this houſe, had "inclined her to command him to acquaint this houſe, be"fore ſhe directed any further proceedings in that examina"tion." Upon this the commons reſolved, "that an ad"dreſs of thanks be preſented to her majeſty, for her tender "regard to the privileges of this houſe; and, to deſire, "that ſhe would be pleaſed to give order for the further "examination into the authors of the libel mentioned in "her meſſage." Which addreſs being preſented, the queen anſwered, "That ſhe was glad to find this houſe expreſs "ſo much reſentment againſt the libel mentioned in her "meſſage, and took very kindly the confidence the houſe "repoſed in her, which ſhe would make the beſt uſe of "for the advantage of the public.

It is to be obſerved, that, on the 15th of January, David Edwards, printer of the Memorial, who had a long time abſconded, and was left without any ſupport by the party that employed him, was, by his own conſent, taken into cuſtody of a ſtate-meſſenger, upon promiſe in writing from Mr. ſecretary Harley, "That he ſhould have his pardon, pro"vided he diſcovered the author or authors of that pamph"let." Three days after, being examined before the ſame ſecretary he pretended he could fix it upon three gentlemen, members

on the lord-treaſurer, the words were directed to be ſet down in writing at the table, upon which Mr. Cæſar endeavoured to excuſe himſelf; and being withdrawn, after a ſhort debate, it was reſolved, 'That the ſaid 'words were highly diſhonourable to her majeſty's perſon 'and government; and that the 'ſaid Charles Cæſar Eſq; be, 'for his ſaid offence, committed priſoner to the tower.'

(a) The firſt thing the commons did after that meeting was to thank the duke of Marlborough for his great ſervices to the queen and nation in the laſt campaign, and for his prudent negotiations with her allies.

members of the house of commons, Mr. Pooley, Mr. Ward, and sir Humphrey Mackworth; and related, that a woman in a mask, with another barefaced, brought the manuscript to him, and made a bargain with him to have two hundred and fifty printed copies of it, which he delivered to four porters, sent to him by the persons concerned. But though the woman, who came to Edwards's without a mask, and some of the porters, were found out, and taken up, yet it was impossible to carry on the discovery any farther; which gave occasion to a member of the house of commons, Mr. Pooley, to say, "That it was not usual to accuse members of their "house of being concerned in any thing to the prejudice of "the government, without naming their names." 1705-6.

After this, the commons proceeded in creating funds for the supplies, which they had voted for the next year. And the nation was so well satisfied with the goverment, and the conduct of affairs, that, a fund being created for two millions and a half by way of annuities for ninety-nine years, at six and a half per cent, at the end of which the capital was to sink, the whole sum was subscribed in a very few days. At the same time, the duke of Marlborough proposed the advance of a sum of five hundred thousand pounds to the emperor, for the use of prince Eugene, and the service of Italy, upon a branch of the emperor's revenue in Silesia at eight per cent, and the capital to be repaid in eight years. The nation so abounded both in money and zeal, that this was likewise advanced in a very few days. Our armies, as well as our allies, were every where punctually paid. The credit of the nation was never raised so high in any age nor so sacredly maintained. The treasury was as exact and as regular in all payments, as any private banker could be. It is true, a great deal of money went out of the kingdom in specie. That, which maintained the war in Spain, was to be sent thither in that manner, the way by bills of exchange not being yet opened. The trade with Spain and the West-Indies, which formerly brought great returns of money, was now stopped. By this means, there grew to be a sensible want of money over the nation. This was in a great measure supplied by the currency of exchequer bills and bank notes. And this lay so obvious to the disaffected party, that they were often attempting to blast, at least to disparage this paper-credit. But it was still kept up. It raised a just indignation in all, who had a true love to their country, to see some using all possible methods to shake the administration, which, Public credit very high. Burnet.

1705-6. which, notwithstanding the difficulties at home and abroad, was much the best, that had been in the memory of man, and was certainly not only easy to the subjects in general, but gentle even towards those, who were endeavouring to undermine it.

Complaints of the progress of popery. Pr. H. C. III. 455. Burnet.

On the 27th of February, a petition of the gentry and clergy of the south parts of Lancashire, at their monthly meeting, on the 12th, in the borough of Wigan, for suppressing profaneness and immorality, was presented to the house, complaining of several grievances they laboured under from the priests, Romish gentry, and popish emissaries, and praying for redress and relief. After the reading of this petition it was unanimously resolved to address the queen, "that she would be pleased to issue out her royal "proclamation for the putting in execution the laws in "force against all such persons, as had or should endea-"vour to pervert her majesty's subjects to the popish "religion:" And they ordered, that a bill be brought in for making more effectual the act of the eleventh year of his late majesty's reign, for the further preventing the growth of popery. This bill was accordingly presented the next day, by sir James Montague, and read the first time; and, on the 1st of March, the commons gave it a second reading, and went through it in a grand committee. By the act, passed in the latter end of the late reign it was provided, "That all papists should, within "six months, after they had reached the age of eighteen, "take the oaths of allegiance and supremacy, or declare "themselves protestants; in default whereof, their estates "were to go to the next heirs, being protestants." Now this clause was so lamely expressed, that the Roman catholics found two ways to evade it. First, there being in all families a gradation of age among the several heirs to the same estates, it happened, that though the person, who was come to the age of eighteen, did not take the oaths prescribed by the law, yet the title of protestant heir remained undecided, as long as any next popish heir was under age. Secondly, (and this was the main inconvenience) it lying by that clause upon the next heir to him, who at the age of eighteen refused to declare himself a protestant, to prove that he had not made that declaration, it was impossible for the next heir to prove such a negative. Now, to make that clause binding and effectual, it was enacted in this bill, "That all papists, and reputed papists "should, within six months after they had reached the

"age

"age of eighteen, not only declare themſelves proteſtants, 1705-6.
"but prove alſo, that they had made ſuch a declaration."
This alarmed all of that religion, ſo that they made very powerful (or to follow the railery of that time) weighty interceſſions with the conſiderable men of the houſe of commons. The court looked on, and ſeemed indifferent in the matter; yet it was given out, that ſo ſevere a law would be very unreaſonable, when the nation was in alliance with ſo many princes of that religion; and that it muſt leſſen the force of the queen's interceſſion in favour of the proteſtants, who lived in the dominions of thoſe princes. The proceeding ſeeming rigorous, and not ſuited to the gentleneſs which the chriſtian religion ſo particularly recommended, and was contrary to the maxims of liberty, of conſcience and toleration, that were then in great vogue. It was anſwered that the dependence of thoſe of that religion on a foreign juriſdiction, and at preſent on a foreign pretender to the crown, put them out of the caſe of other ſubjects who might differ from the eſtabliſhed religion, ſince there ſeemed to be good reaſon to conſider them as enemies rather than as ſubjects. But the application was made in ſo effectual a manner, that the bill was let fall; for on the 2d of March when ſir James Montague was to report to the houſe the amendments made to the bill by the grand committee, the duke of Norfolk, the chief among the Roman-catholics in England, petitioned, "That he "might be heard by his council for explanation of ſome "words in the bill, and for ſuch relief to him, as to the "houſe ſhould ſeem meet." Upon the reading of this petition, the commons ordered, that the duke of Norfolk be heard by his council, as to the property in the office of earl marſhal of England only. But his council not being then ready, the houſe heard ſir James Montague's report, and then ordered the bill, with the amendments, to be ingroſſed. Two days after, the bill was read the third time, and ſeveral other amendments were made to it; after which the queſtion was put, That the bill do paſs? This occaſioned a great debate, wherein colonel Godfrey, Mr. Boſcawen, and Mr. Aſgil endeavoured to ſhew the injuſtice of ſuch a law, urging, that, beſides the offence it would give to the Roman-catholic princes in alliance with the nation, it would look as if they approved the perſecution exerciſed by the French king and other catholic princes againſt their proteſtant ſubjects. At laſt the bill was rejected by a majority of one hundred and nineteen againſt forty three,

1705-6. three. And, though the lords had made some steps towards such a bill, yet since they saw what fate it was like to have in the house of commons, instead of proceeding further in it, they dismissed that matter with an address to the queen, on the 14th of March, "That a more watchful eye should "be had over the British priests and papists for the future; "and, for that purpose, that a distinct and particular ac- "count should be taken of all papists and reputed papists "in the kingdom, with their respective qualities, estates, "and places of abode; and that the several accounts of "these inquiries be laid before their house at the next ses- "sion of parliament." To this address the queen answered, "That she was fully convinced, that the insolent beha- "viour of the papists had made what their lordships ad- "vised necessary to be done for the safety of her person and "government, and the welfare of her people; and that she "would give the necessary orders for every thing their lord- "ships desired." But whatever orders were given they were very negligently executed (a).

There

(a) On the 2d of March, the lords read a petition of Joseph Boone, merchant in behalf of himself and many other inhabitants of the province of Carolina, and London merchants trading thither: Upon which, the lord Granville, palatine of the province of Carolina, having desired to be heard by his council, the same was granted, and the farther debate of this affair put off till the 9th of that month. Their lordships, having then heard what the lord Granville's council had to offer in his behalf, came to these two resolutions: First, 'That it is the opinion of this 'house, that the act of the assembly of Carolina lately 'passed there, and since signed 'and sealed by John lord 'Granville, palatine, for himself and for the lord Carteret, 'and the lord Craven, and by 'sir John Colleton, four of the 'proprietors of that province, 'in order to the ratifying of an 'act, intitled, An act for the 'establishment of religious 'worship in this province, according to the church of England, and for the erecting of churches for the public worship of God, and also for the 'maintenance of ministers, and 'the building convenient houses 'for them, so far forth as the 'same relates to the establishing 'a commission for the displacing the rectors or ministers 'of the churches there, is not 'warranted by the charter 'granted to the proprietors of 'that colony, as being not consonant to reason, repugnant to 'the laws of this realm, and 'destructive to the constitution 'of the church of England.' Secondly, 'That it is the opinion of this house, that the act 'of assembly in Carolina, intitled, An act for the more effectual

There was a project set on foot at this time by the lord Halifax, for putting the records and public offices of the kingdom in better order. He had, in a former session, moved the lords to send some of their number to view the records in the Tower, which were in great disorder, and in a visible decay, for want of some more officers, and by the neglect of those employed. The lords, in their report, proposed some regulations for the future, which have been since followed so effectually (tho' at a considerable charge, by creating several new officers) that the nation has reaped the benefit of all this very sensibly. But lord Halifax carried this project much farther. The famous library, collected by sir Robert Cotton, and continued down in his family, was perhaps the greatest collection of manuscripts relating to the public, that any nation in Europe could shew. The late owner of it, sir John Cotton, had by his will left it to the public, but in such words, that it was rather shut up, than made any way useful; and, indeed, it was to be so carefully preserved, that none could be the better for it. Lord Halifax therefore moved the house to intreat the queen, that

1705-6. A design for a public library. Burnet.

'tual preservation of the government of this province, by 'requiring all persons, that shall 'hereafter be chosen members 'of the commons house of assembly, and sit in the same, 'to take the oaths, and subscribe the declaration appointed by this act, and to conform to the religious worship 'in this province, according to 'the church of England, to receive the sacrament of the 'Lord's-supper, according to 'the rites and usage of the 'said church, lately passed there, 'and signed and sealed by John 'lord Granville, palatine, for 'himself and the lord Craven, 'and also for the lord Carteret, 'and by sir John Colleton, four 'of the proprietors of that province, in order to the ratifying 'of it, is founded upon falsity 'in matter of fact, is repugnant 'to the laws of England, contrary to the charter granted 'to the proprietors of that 'colony, is an encouragement 'to atheism and irreligion, is 'destructive to trade and tends 'to the depopulating and ruining the said province.' These resolutions being laid before the queen in an address, wherein their lordships 'besought her 'majesty to deliver the said province from the arbitrary oppressions, under which they 'lay, and to order the authors 'thereof to be prosecuted according to law;' the queen 'told them, 'That she was 'very sensible of what great 'consequence the plantations 'were to England; and she 'would do all in her power to 'relieve her subjects in Carolina, and to protect them in 'their just rights.' P. R. H. L. II.

1705-6. that ſhe would be pleaſed to buy Cotton-houſe, which ſtood juſt between the two houſes of parliament; ſince ſome part of that ground would furniſh them with many uſeful rooms, and there would be enough left for building a noble ſtructure for a library; to which, beſides the Cotton library and the queen's library, the royal ſociety, who had a very good one at Greſham college, would remove, and keep their aſſemblies there, as ſoon as it was made convenient for them. This was a great deſign, which that lord, who firſt ſet it on foot, ſeemed reſolved to carry on till it was finiſhed. Had that been done, it would have been of great advantage to the learned world, as well as an honour to the queen's reign.

A bill to regulate proceedings at law.

The lord Sommers likewiſe made a motion in the houſe of lords, to correct ſome of the proceedings in the common law and in chancery, which were both dilatory and very chargeable. He began the motion with ſome inſtances, that were more conſpicuous and groſs; and he managed the matter ſo, that both the lord-keeper and judges concurred with him, though it paſſes generally for a maxim, that judges ought rather to inlarge than contract their juriſdiction. A bill paſſed the houſe of lords, which began a reformation of proceedings at law; but, when it went through the commons, it was viſible, that the intereſt of under-officers, clerks, and attornies, whoſe gains were to be leſſened by this bill, was more conſidered, than the intereſt of the nation itſelf. Several clauſes, how beneficial ſoever to the ſubject, which touched on their profit, were left out by the commons. But, what fault ſoever the lords might have found with theſe alterations, yet, to avoid all diſputes with the commons, they agreed to their amendments.

There was another general complaint made of the private acts of parliament, that paſſed through both houſes too eaſily, and in ſo great a number, that it took up a great part of the ſeſſion to examine them, even in that curſory way, that was ſubject to many inconveniencies. The fees, that were paid for theſe to the ſpeakers and clerks of both houſes, inclined them to favour and promote them. The lord Sommers therefore propoſed a proper regulation in that matter. The lord-keeper Cowper did indeed very generouſly obſtruct thoſe private bills, as much as his predeceſſor Wright had promoted them. He did another thing of a great example: On the firſt day of the year, it became a cuſtom for all thoſe, who practiſed in chancery, to offer a new-year's gift to the lord, who had the great-ſeal. Theſe

grew

grew to be ſo conſiderable, that they amounted to fifteen hundred pounds a year. On the new-year's day of this year, which was his firſt, he ſignified to all thoſe, who, according to cuſtom, were expected to come with their preſents, that he would receive none, but would break that cuſtom. He thought it looked like the inſinuating themſelves into the favour of the court; and that, if it was not bribery, yet it came too near it, and looked too like it. This contributed not a little to the raiſing his character; and he managed the court of chancery with impartial juſtice and great diſpatch, and was very uſeful to the houſe of lords in the promoting of buſineſs. (1). 1705-6.

On the 19th of March, the queen came to the houſe of peers, and having given the royal aſſent to ſeventeen public acts, The parliament is prorogued.

(1) There were alſo ſome regulations made this ſeſſion about ſeamen, which were inſerted in a bill for the encouragement and increaſe of ſeamen. This bill was brought in, becauſe about twelve thouſand ſailors were wanted at this time to man the fleet, and was perfected and paſſed both houſes in four days. The reſolutions in the bill were as follow: 1, That, in order to the ſpeedy and more compleat manning of her majeſty's navy for the year 1706, the juſtices of the peace and other civil magiſtrates throughout the ſeveral counties, ridings, cities, towns, and places, within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, be impowered and directed forthwith to make, or cauſe to be made, ſtrict and diligent ſearch for all ſuch ſeamen, or ſea-faring men, as lie hid, and are not in her majeſty's ſervice. 2. That the juſtices, and other civil magiſtrates, do take up, ſend, conduct, and convoy, or cauſe to be taken up, ſent, conducted, and conveyed, all ſuch ſeamen or ſea-faring men, to be delivered to ſuch perſons, as ſhall be appointed to receive the ſame. 3. That a penalty be inflicted upon every perſon, who ſhall preſume to harbour or conceal ſuch ſeamen or ſea-faring men. 4. That a reward be given to every perſon, who ſhall diſcover and take up ſuch ſeamen or ſea-faring men, as aforeſaid, the ſame to be diſtributed and paid to every ſuch diſcoverer or perſon, ſo taking up ſuch ſeamen or ſea-faring men reſpectively, out of the money given for the ſervice of the navy. 5. That conduct-money be allowed for conveying and ſubſiſting ſuch ſeamen and ſea-faring men, according to the preſent uſage of the navy. 6. That, for the encouragement of the ſervice, every ſeaman, who ſhall be turned over from one ſhip to another, ſhall be paid his wages which ſhall appear to be due to him in the ſhip, from which he was turned over, before ſuch ſhip, to which he ſhall be turned over, go to ſea, either in money, or by a ticket, which ſhall intitle him to an immediate payment,

1705-6. acts, and fifty-three private ones, ſhe made the following ſpeech to both houſes:

My lords and gentlemen,

The Queen's ſpeech at the cloſe of the firſt ſeſſion of her ſecond parliament. Pr. H. C. III. 473.

"BEING now come to a cloſe of this ſeſſion, I am to return you my thanks for having brought it ſo ſpeedily to a good concluſion, eſpecially for the wiſe and effectual proviſion made to ſecure the proteſtant ſucceſſion in this kingdom, and the great advances on your part, towards procuring the like ſettlement in the kingdom of Scotland, and a happy union of both nations.

"I am very well pleaſed likewiſe with the ſteps you have made for the amendment of the law, and the better advancement of juſtice.

"I muſt again repeat to you, gentlemen of the houſe of commons, that I am extremely ſenſible of the diſpatch you have given to the public ſupplies. I aſſure you, I will be very careful, that they may be applied in the moſt effectual manner for our common intereſt.

My lords and gentlemen,

"At the opening of this parliament, I recommended, with great earneſtneſs, an intire union of minds and affections among all my ſubjects, and a ſincere endeavour to avoid and extinguiſh all occaſions of diviſions and animoſity. I am much pleaſed to find, how intirely your ſentiments have agreed with mine. Your unanimity and zeal, which I have obſerved, with great ſatisfaction, throughout this whole ſeſſion, againſt every thing, that tends towards ſedition, doth ſo much diſcourage all ſuch attempts

payment. 7. That ſuch able-bodied landmen, who are liable to be raiſed for the recruiting her majeſty's land-forces and marines, be raiſed for the ſervice, in the like manner, and delivered to ſuch perſons, who ſhall be appointed to receive the ſame. And they ordered, that the committee, to whom the bill for the encouragement and increaſe of ſeamen, and for the better and ſpeedier manning her majeſty's fleet, and for making proviſion for the widows and orphans of all ſuch, as ſhall be ſlain or drowned in her majeſty's ſervice, and for the ſupport of trade, was committed, have power to receive a clauſe or clauſes purſuant to theſe reſolutions: And that it be an inſtruction to the committee, that they have power to receive a clauſe for diſcharging of ſuch ſeamen, and other inſolvent perſons, as are in priſon for debt, and delivering them into her majeſty's ſervice on board the fleet.

" attempts for the future, and hath ſet ſuch an exam- 1705-6.
" ple to the whole kingdom, that, when you are returned
" into your ſeveral countries, I doubt not but you will find
" the effects of it every where; and I aſſure myſelf you will
" make it your buſineſs and care to improve and perfect
" that good work you have ſo far advanced here; and by
" continuing to ſhew a juſt diſlike of all factions and tur-
" bulent proceedings, and reſolving to diſcountenance the
" encouragers of them, you will ſoon make the whole
" kingdom ſenſible of the good effect of ſo prudent and
" happy a conduct."

Then the lord-keeper prorogued the parliament to the 21ſt of May following.

Thus this ſeſſion of parliament came to a very happy concluſion. There was in it the beſt harmony within both houſes, and between them, as well as with the crown; and it was the beſt applauded in the city of London, over the whole nation, and indeed over all Europe, of any ſeſſion of thoſe times. And when it was conſidered, that this was the firſt of the three, ſo that there were to be two other ſeſſions of the ſame members, it gave an univerſal ſatisfaction both to the people at home, and our allies abroad, and afforded a proſpect of a happy end, that would be put to this devouring war, in all probability, before the concluſion of the parliament. This gave an inexpreſſible ſatisfaction to all who loved their country and religion, and who now hoped that there was in view a good and ſafe peace. Burnet.

With the new parliament, a new convocation alſo met at St. Paul's, October 15. The latin ſermon was preached by Dr. Stanhope, but Dr. Binks carried it from him for prolocutor, and was preſented by the dean of Chriſt-Church. This convocation was choſen as the former had been, and the members, that were ill-affected, were ſtill prevailed on to come up, and to continue in an expenſive, but uſeleſs attendance in town. The upper houſe ſoon agreed in an addreſs to the queen, containing humble thanks for her affectionate care for the church of England, as eſtabliſhed by law, from her firſt acceſſion to the throne to this day. And then they added thus, by way of harmony with the two houſes of parliament: " We are exceedingly grieved, that any of your ſubjects ſhould be ſo ungrateful and unworthy, as once to ſuggeſt, that our church can be in danger, for want of ſuch ſupport and encouragement in your majeſty's reign, as may make it flouriſh in your own time, and leave it ſecure after you. And, although it is no new thing for Proceedings in Convocation. Burnet. Calamy. Boyer.

deſigning

1705-6. designing men to proſtitute the venerable name of the church to the ſervice of their own private ends, yet we think it very ſtrange, that any ſhould be found ſo extremely weak and undutiful as to be deluded by theſe groundleſs clamours, when they have been ſo often, and ſo publicly confuted by your royal word and actions; and when the happy ſtate of the church of England is ſo much obſerved and eſteemed abroad, that ſeveral of the foreign churches are endeavouring to accommodate themſelves to our liturgy and conſtitution. To inſinuate that the church is in danger under theſe circumſtances, and againſt all the teſtimonies and aſſurances of your royal care and protection, can proceed from nothing but prejudice, intereſt, and ambition. We humbly crave leave to expreſs our juſt reſentment of the indignity of all ſuch ſuggeſtions, not only as falſe and groundleſs in themſelves, but chiefly as they are diſhonourable reflections upon your royal promiſes for the ſupport of the church, and upon your princely wiſdom in chuſing the moſt proper and effectual meaſures to that end. We beg leave alſo, in a deep ſenſe of your majeſty's goodneſs, and an intire dependence upon your royal word, to expreſs our great joy and ſatisfaction in the flouriſhing condition of the church under your moſt auſpicious government. We are ſure it will always be in your will to ſupport and protect it; and that the diſtractions, which theſe groundleſs jealouſies are intended to raiſe, may never put it out of your power, we promiſe to uſe our utmoſt endeavours to diſcountenance them, and, in our ſeveral ſtations, to defend and preſerve inviolably, ſo far as in us lies, the doctrine, diſcipline, and worſhip of our church, as by law eſtabliſhed; and to promote peace and unity amongſt your ſubjects; praying earneſtly for your majeſty's long and proſperous reign over us; as, under the divine providence, the greateſt bleſſing and ſecurity that either church or ſtate can enjoy."

When this addreſs was communicated to the lower houſe, they refuſed to join in it, but would give no reaſon for their refuſal, and the majority carried it for drawing up one of their own. A committee was appointed, and the dean of Chriſt-church, at their next meeting, reported an wholly new form, which contained thanks to her majeſty for her great zeal for the church, and tender affection to it, but expreſſed not that full ſatisfaction as to the ſafety of the church, and that indignation againſt ſuch as repreſented her to be in danger, as appeared in that which came down from the upper houſe. This new addreſs was carried up by the

prolo-

prolocutor, November 19. The archbiſhop made anſwer in writing, that they could not receive their addreſs, but required them to go back to their houſe, and conſider the addreſs ſent down to them; and either agree to it, or bring up their exceptions againſt it in writing. 1705-6.

Some of the lower houſe, when they returned, were for doing this: But the majority in two meetings agreed, that ſuch notice be taken of thoſe words in the meſſage from the upper houſe, "We cannot receive the addreſs you have "offered to us," as to affirm, and effectually aſſert their right, of having what they offered to the upper houſe received by his grace and their lordſhips: That it was proper for the houſe in their anſwer to ſay, that they conceived their lordſhips refuſal was an infringement of that right: That it is not a neceſſary duty of the lower houſe to re-conſider, when their lordſhips require it, what they have declared to their lordſhips they have maturely conſidered, and cannot join in it. That the lower houſe, notwithſtanding their lordſhips expectation, expreſſed in their meſſage, was ſtill at liberty to diſagree, without offering their exceptions: However, they agreed to re-conſider the addreſs of the lords, and to lay before them the ſubſtance of the reſolutions foregoing. They alſo agreed, not to depart from their former reſolution of not joining with their lordſhips in their addreſs; and afterwards, not to carry up any exceptions to their lordſhips addreſs; but to ſignify to them, that it is the undoubted right of the lower houſe to have the paper they preſented received by their lordſhips, and that they hoped they would be ſatisfied upon peruſing it: And that the lower houſe intirely confided in her majeſty's zeal for the church of England, and an hearty deteſtation of all perſons, that ſhould endeavour to raiſe any jealouſies concerning it. And, purſuant to theſe reſolutions, a paper was carried from the lower to the upper houſe, on December 1.

The lower houſe thus refuſing, either to agree to the addreſs, or to offer their objections, the addreſs was let fall; and upon that a ſtop was put to all further communication between the two houſes. The lower houſe went on in their former practice of intermediate ſeſſions, in which they began to enter upon buſineſs, to approve of ſome books, and to cenſure others; and they reſolved to proceed upon the ſame grounds, that factious men among them had before ſet up, though the falſhood of their pretenſions had been evidently made to appear. On December 16, the dean of Peterborough proteſted againſt the irregularities of the lower

1705-6. houſe: And particularly againſt the prolocutor's proroguing the houſe by the authority of the houſe itſelf: The pretending to a power to put the prolocutor into the chair before he is confirmed by the archbiſhop and biſhops: The pretending to a power to give leave to their members to abſent themſelves, and ſubſtitute proxies: The electing an actuary in prejudice of the right of the archbiſhop: The late diſreſpectful and undutiful carriage of the houſe to the archbiſhop and biſhops, in refuſing their addreſs to her majeſty, without making any exceptions. This was ſigned by above fifty, and the whole body was but an hundred and forty-five. Some were neutral, ſo that very near one half broke off from the reſt, and ſat no more with them. The lower houſe would not ſuffer this proteſtation to be read, and therefore it was carried to the upper, and entered in their acts.

Whilſt the lower houſe was deliberating how to vent their indignation againſt the proteſters, a more ſenſible mortification enſued. The archbiſhop had prorogued them to the 1ſt of March; by which time the queen ſent a letter to him, dated February 25, ſignifying her concern, that the differences in convocation were ſtill kept up, and rather increaſed than abated: And that ſhe was the more ſurpriſed, becauſe it had been her conſtant care and endeavour to preſerve the conſtitution of the church of England, as by law eſtabliſhed, and to diſcountenance all diviſions and innovations whatſoever: Declaring ſhe was reſolved to maintain her ſupremacy, and the due ſubordination of preſbyters to biſhops, as fundamental parts thereof; and that ſhe expected, that he and his ſuffragans ſhould act conformably to his and her reſolution; and that, in ſo doing, they might be aſſured of the continuance of her favour and protection: And that neither of them ſhould be wanting to any of the clergy, whilſt they were true to the conſtitution, and dutiful to her, and their eccleſiaſtical ſuperiors; and preſerved ſuch a temper as became all, but eſpecially thoſe who were in holy orders: And ſhe required him to communicate this to the biſhops and clergy; and, on March 1, to prorogue the convocation to ſuch time as appeared moſt convenient. On that day the archbiſhop ſent for the lower houſe, and read to them the queen's letter, with which they were ſtruck, for it had been carried ſo ſecretly, that it was a ſurprize to them all. When they ſaw they were to be prorogued, they ran indecently to the door, and with ſome difficulty were kept in the room till the prorogation was intimated to them. They went afterwards to their own houſe, where, though

though prorogued, they ſat ſtill in form, as if they had been a houſe, but they did not venture on paſſing any vote. So factious were they, and ſo implicitly led by thoſe, who had got an aſcendent over them, that, though they had formerly ſubmitted the matters in debate to the queen, yet now, when ſhe declared her pleaſure, they could not acquieſce in it." 1705-6.

THE HISTORY OF ENGLAND.

BOOK XXIX. CHAP. III.

Account of the treaty of union between England and Scotland.—Proceedings of the commiſſioners.—Articles of the union.—Campaign in Flanders.—Battle of Ramillies.—Conſequences of it.—Affairs of Spain and Portugal.—of Italy.—Siege and battle of Turin.—Project of a deſcent in France.—Account of the marquis Guiſcard.—Affairs of Poland.—Propoſals for a peace—they are refuſed.—The French apply to the Pope.—The duke of Marlborough returns to England;—his titles and honours ſettled on his eldeſt daughter; with Woodſtock manor, and a 5000 l. penſion.—Affairs of Scotland.—A ſtrong party there againſt the union.—Addreſſes and tumults againſt it.—Death of the earl of Stair.—Manner of electing the 16 peers.—The parliament of Scotland is adjourn'd.

1705-6. Account of the treaty of Union between England and Scotland. Boyer.

AN affair of the utmoſt conſequence was now in agitation. The uniting of the two kingdoms of England and Scotland was ever thought of ſuch importance to the wealth, ſtrength, and tranquillity of the iſland of Great-Britain, that ſeveral attempts were made towards it, both before and after the union of the two crowns, in the perſon of king James I. of England, and VI. of Scotland; of which attempts it will not be improper to give here a ſummary view.

King Henry VIII. to bring the government of the iſland under one monarch, offered his daughter Mary to king James V. of Scotland; and, to prevent all difficulties that might happen about the ſucceſſion after his death, he propoſed to make king James duke of York, and lord-lieute-

nant

nant or deputy-governor of England, immediately upon the marriage. The king of Scotland was inclinable enough to fall in with that advantageous propoſal; but the French court and the popiſh clergy, who equally dreaded the effects of ſuch a conjunction, found means to prevent it. This engaged the Scots nation, againſt their will, in a war againſt England, and occaſioned the defeat at Solan Moſſe; which brought their king to his grave, upon an apprehenſion, that his nobility had conſpired againſt him. 1705-6.

King Edward VI. purſuing his father's deſign of an amicable union of the two kingdoms, propoſed a match betwixt himſelf and queen Mary of Scotland; which had been agreed on in the Scots parliament in king Henry VIII's time; but the French and popiſh faction broke that agreement, and brought upon the Scots another war with England, which ended in their defeat at the battle of Pinky, near Muſſelburg. Notwithſtanding this great victory, by which the Engliſh became poſſeſſed of moſt of the ſouth of Scotland, yet king Edward and his council were ſo far from deſigning a conqueſt of Scotland, or the overthrowing of the conſtitution of that kingdom, that his uncle, the duke of Somerſet, protector of the kingdom of England, publiſhed a declaration to invite the Scots to amity and equality: "We overcome in war (ſaid that declaration) and offer "peace: We win holds, and offer no conqueſt: We get "in your land, and offer England. What can be more "offered than intercourſe of merchandizes, and interchange "of marriages; the aboliſhing of all ſuch our laws, as "prohibit the ſame, or might be an impediment to the mu"tual amity? We have offered not only to leave the au"thority, name, title, right, or challenge of conqueror; "but to receive that, which is the ſhame of men overcome; "to leave the name of the nation, and the glory of our "victory, and to take the indifferent old name of Britons; "becauſe nothing ſhould be left on our part to be offered; "nothing on your part unrefuſed, whereby ye might be "inexcuſable. What face has this of conqueſt? We ſeek "not to diſinherit your queen, but to make her heirs in"heritors alſo of England. We ſeek not to take from you "your laws nor cuſtoms; but we ſeek to redreſs your op"preſſion." This was a very generous propoſal from a conqueror; but the popiſh French faction ſtill made it ineffectual, and brought Scotland under a yoke of French tyranny; which ſo much incenſed the Scots, that, when they ſet about the reformation, they deſtroyed the hierarchy from

1705-6. the very foundations, and reduced the eccleſiaſtics (who had then one third of the kingdom in their poſſeſſion) to their ancient dependence upon the ſtate, as to their maintenance and benefices.

King James I. ſoon after his acceſſion to the Engliſh throne, in March 1604, moved the parliament of England for an union betwixt the two kingdoms; "That, as they "were made one in the head, ſo among themſelves they "might be inſeparably conjoined, and all memory of by-"paſt diviſions extinguiſhed." The motion ſeemed at firſt to be generally well-reliſhed by both nations, whoſe reſpective parliaments appointed their commiſſioners; the Engliſh forty-four in number, and the Scots thirty. They met accordingly at Weſtminſter, and agreed upon ſome articles about repealing all hoſtile laws made either in England againſt Scotland, or in Scotland againſt England; and the mutual communication of trade and commerce; reſerving the king's prerogative in the preferment of men to offices and honours in either kingdom. The king recommended the proſecution of that buſineſs to the parliament of England; but, of all the articles agreed upon by the commiſſioners, only that was enacted, which concerned the aboliſhing of hoſtile laws. The king was extremely grieved at this; and conceiving, that the work would more eaſily be effected, if begun in Scotland, called a parliament there. The eſtates, at the king's deſire, readily allowed all the articles concluded in the treaty, with a proviſo, that the ſame ſhould, in like manner, be ratified in the parliament of England; otherwiſe, the concluſions not to have the force of a law. And it was alſo declared, "That, if the union ſhould "happen to take effect, the kingdom, notwithſtanding, "ſhould remain an abſolute and free monarchy, and the "fundamental laws receive no alteration." But the Engliſh puritans being elated with the hopes they had conceived from an union of the two nations, the church-party grew jealous of them, and, inveighing againſt the Scots in parliament, convocation, and pulpits, defeated all endeavours to accompliſh that union. They ſoon diſcovered king James's foible; and, knowing his inclinations to increaſe his power, they found out other employment for him, which was to advance his prerogative in Scotland, to the ſubverſion of the liberties of that kingdom both in church and ſtate, and concurred with him as heartily in that, as they oppoſed him in the union.

In

In the reign of king Charles I. we do not find an union so have been once mentioned; for, the prejudices against the puritans ſtill increaſing, and the church-party growing powerful at court, by the promotion of biſhop Laud to the ſee of Canterbury, an ill-timed and miſtaken zeal for the church of England had ſo great an aſcendent over that unhappy prince, as to engage him with more eagerneſs than his father to overturn the conſtitution, and endeavour a conqueſt of Scotland; which was one of the fatal cauſes of all his misfortunes. 1705-6.

Soon after the beginning of the civil wars, there was a league or confederacy between the two kingdoms, which continued with various interruptions for ſome years, till it was intirely broke in 1650; when, a war breaking out between the two nations, Scotland was reduced to the obedience of the prevailing power of the houſe of commons, who ſtiled themſelves the parliament of England. But, though Scotland was reduced, it was thought it could not be ſo well ſecured, as by an union. Accordingly, after the battle of Worceſter, the parliament appointed eight commiſſioners to go down to Scotland, and treat with the eſtates of that kingdom of an union. Twenty of thirty-two ſhires, and thirty-five of the then fifty-ſeven boroughs, agreed to the union; and, in their aſſembly at Edinburgh, about two months after, the reſt likewiſe concurred. Purſuant to this agreement, a bill was prepared; but, before it could be finiſhed, the long parliament was turned out of doors by Cromwell, which put a ſtop to the union. In April 1653, Cromwell took the government upon him; and, in December following, ſigned an inſtrument, whereby, among other things, the counties, cities, and boroughs of England, Scotland, and Ireland, were brought under a new regulation, with reſpect to their repreſentatives in parliament. By this ſcheme England was to have four hundred repreſentatives, Scotland thirty, and Ireland thirty. When England was rated at ſeventy thouſand pounds per month, Scotland was to pay ſix thouſand pounds, and Ireland nine thouſand pounds, and the ſhare each county and borough was to pay of theſe aſſeſſments in 1656, was ſettled. Theſe aſſeſſments were ſuppoſed to be about two ſhillings in the pound, conſequently they valued the rents of England at eight millions and four hundred thouſand pounds, of Scotland at ſeven hundred and twenty thouſand pounds, and of Ireland at one million and eighty thouſand pounds, which valuations are ſaid to have been above two-thirds of the real extended

1705-6. values. On the 12th of April 1654, Oliver publiſhed an ordinance for uniting Scotland with England. By this ordinance the powers of aſſemblies, conventions, and parliaments in Scotland, were taken away, with wards, ſervitudes, and ſlaviſh tenures (a). Thus ſtood the union for ſome years, during which, it is ſaid, the Scots nation was never more eaſy, nor juſtice more impartially adminiſtred.

At the reſtoration, every thing relating to Scotland and Ireland, were put upon the ſame foot as before the civil wars. The ill effects whereof were ſoon felt in many inſtances, particularly by the paſſing and execution of ſeveral negative acts relating to trade, which not only ſtirred up the old, but raiſed many new animoſities. The Scots made heavy complaints againſt theſe impoſitions and excluſions, but without any redreſs.

However, in the year 1670, the parliament of Scotland paſſed an act, impowering king Charles to grant a commiſſion under the great ſeal of Scotland for ſuch perſons, as he ſhould think fit to name, to treat with commiſſioners of England about the union; but with this proviſo, That nothing they agreed upon ſhould ſtand, except confirmed by the parliament of Scotland. When the commiſſioners met, the king ſent them the five following points to be conſidered, as the ſubject-matter of the treaty: "1. The preſerving to "either kingdom their laws, civil and eccleſiaſtical, intire. "2. The uniting of the two kingdoms into one monarchy, "under his majeſty, his heirs, and ſucceſſors, inſeparable. "3. The reducing both parliaments into one. 4. The "ſtating of all privileges, as to trade and other advantages. "5. The ſecuring the conditions of the union." And it was ſettled, as a preliminary, that, except all was agreed on, no particular thing reſolved upon ſhould be binding. When they came to conſider the matter, Sir John Niſby, one of the commiſſioners for Scotland, a great lawyer, and the king's advocate, urged, "That the union could not be, "as propoſed in the ſecond and third articles, becauſe they "were deſtructive to the fundamental government of the "kingdom of Scotland, and tended to take away their "parliaments, which, he ſaid, the parliament itſelf could "not do; nor were the commiſſioners appointed for the "treaty impowered to diveſt the electors of that power; "and alledged an act of parliament, (8 Jac. 6.) which de-

"clared

(a) Theſe were aboliſhed in England after the reſtoration, but wards and liveries were, in 1660, reſtored again in Scotland.

" clared it treaſon to attempt the alteration of the conſtitu- 1705-6.
" tion of parliament. He alledged farther, that king James's
" commiſſion to treat was not of that nature, and that his
" commiſſion ought to be the rule of the treaty; adding,
" that, in the union among the republics of Greece, each
" republic reſerved their ſovereignty." And the earl of Lauderdale ſaid, " That it was the like among the United-
" provinces, the ſeveral kingdoms of Spain, and the thirteen
" cantons of Swiſſerland." Then, as to the conſtitution of the parliament, the commiſſioners of Scotland reſolutely adhered to it, " That none of the conſtituent members of
" the parliament ſhould be excluded from the parliament of
" Great-Britain; for they could not exclude any of thoſe,
" from whom they had their authority; but agreed, that
" his majeſty might call together both parliaments, to con-
" ſult about the public affairs of the monarchy." There were alſo debates among them about appeals to parliament from courts of judicature, whoſe ſentences in Scotland are not queſtionable but by parliament; and that it would be an inconſiſtency, that one part of the monarchy ſhould be liable to appeals before the parliament, and the other not. As to the union of both kingdoms into one monarchy, the Scots commiſſioners would agree to it on no other terms, but in the poſterity of king James VI. in which the Engliſh made ſome difficulty, and thought heirs and ſucceſſors ſufficient. But the Scots inſiſted upon it, and alledged, that, by the 11th of Henry VII. an uſurper, being crowned, was reputed lawful ſucceſſor in England. Thus the treaty came to nothing (which laſted from the 13th of September to the 14th of November following) the commiſſioners, on the part of Scotland, not only inſiſting upon their old pretences of preſerving ſovereignties and independencies, but likewiſe, that, by their conſtitution, they could not ſo much as treat of an union, till the whole parliament, and even all their conſtituents, had conſented. And, though at laſt they offered to try if they could get their countrymens conſent to have the two parliaments joined, yet they would not abate one of their members upon any account whatſoever. Thus, though the firſt motion of a treaty came intirely from themſelves, it was the Scots who broke it off. The ſecret motives of their ſo doing proceeded, (as it is ſaid) from ſome about the court (who at firſt fanſied they could increaſe their power and influence by the union) being afterwards convinced, it would have quite another effect.

In

1705-6. In the time of king James II. there was nothing done in the union, the court being ſufficiently taken up with other deſigns. But though, in the reign of king William and queen Mary, both nations were too much diſtracted among themſelves, and the king and his miniſters too buſy about other affairs, to think in earneſt of uniting the two kingdoms; yet, the ſame being propoſed by the Scots convention of the eſtates, who appointed commiſſioners to treat upon that matter with England, king William, in his ſpeech to both houſes of parliament, on the 21ſt of March 1689-90, recommended to their re-conſideration an union with Scotland. The parliament took little notice of this recommendation from the throne; ſo that no anſwer was returned to the Scots parliament; and that buſineſs reſted till the year 1700, when the king, in his anſwer to the lords addreſs againſt the Scots ſettlement at Darien, took that opportunity of putting the houſe of peers in mind of what he recommended to his parliament, ſoon after his acceſſion to the throne: "That they would conſider of an union between "the two kingdoms: that his majeſty was of opinion, that "nothing would contribute more to the ſecurity and happi-"neſs of both; and was inclined to hope, that, after they "had lived an hundred years under the ſame head, ſome "happy expedient might be found for making them one "people, in caſe a treaty were ſet on foot for that purpoſe. "And therefore he very earneſtly recommended that matter "to the conſideration of the houſe." Hereupon the lords framed and paſſed a bill for authoriſing certain commiſſioners of the realm of England to treat with commiſſioners of Scotland, for the weal of both kingdoms. But the commons refuſing their concurrence to this bill, the buſineſs of the union went no further.

This great work therefore was reſerved for the reign of queen Anne; for though the negotiation, which was ſet on foot ſoon after her acceſſion to the throne, unhappily miſcarried; yet it was reſolved to endeavour again the union of the two kingdoms, of which many had quite deſpaired. And thoſe, who entertained better hopes, thought it muſt have run out into a long negotiation for many years; but, beyond all mens expectation, it was begun and finiſhed within the compaſs of one. According to the powers given to the queen by the parliaments of England and Scotland, on the 10th of April ſhe appointed the commiſſioners on the part of England, the commiſſioners on the part of Scotland having been named before, on the 27th of February. Mr.

George Dodington was named ſecretary by the Engliſh, and Sir Daniel Nairne by the Scots commiſſioners. The perſons who were appointed on the Engliſh ſide were well choſen. They were the moſt capable of managing the treaty, and the beſt diſpoſed to it of any in the kingdom (a). The Scots commiſſioners were ſo ſtrangely choſen, that from thence many concluded, that an union was not ſincerely deſigned by the miniſtry, when they ſaw ſuch a nomination (b). For they were not looked on as men well-affected to 1706.

(a) The Engliſh commiſſioners were:
Thomas, lord-archbiſhop of Canterbury.
William Cowper, Eſq; lord-keeper of the great-ſeal of England.
John, lord archbiſhop of York.
Sidney, lord Godolphin, lord-high-treaſurer of England.
Thomas, earl of Pembroke and Montgomery, preſident of the council.
John, duke of Newcaſtle, keeper of the privy-ſeal.
William, duke of Devonſhire, ſteward of the houſhold.
Charles, duke of Somerſet, maſter of the horſe.
Charles, duke of Bolton.
Charles, earl of Sunderland.
Evelyn, earl of Kingſton.
Charles, earl of Carliſle.
Edward, earl of Orford.
Charles, viſcount Townſend.
Thomas, lord Wharton.
Ralph, lord Grey.
John, lord Paulet.
John, lord Sommers.
Charles, lord Halifax.
John Smith, Eſq;
William Cavendiſh, marquis of Hartington.
John Manners, marquis of Granby.
Sir Charles Hedges, Knt. and Robert Harley, Eſq; principal ſecretaries of ſtate.
Henry Boyle, Eſq; chancellor and under-treaſurer of the Exchequer.
Sir John Holt, Knt. chief-juſtice of the court of Queen's-bench.
Sir Thomas Trevor, Knt. chief-juſtice of the court of Common-pleas.
Sir Edward Northey, Knt. attorney-general.
Sir Simon Harcourt, Knt. ſolicitor-general.
Sir John Cook, Knt. doctor of laws, advocate-general.
Stephen Waller, doctor of laws.

(b) The Scots commiſſioners were:
James, earl of Seafield, lord-chancellor of Scotland.
James, duke of Queenſberry, lord privy-ſeal.
John, earl of Mar, and Hugh, earl of Loudon, principal ſecretaries of ſtate.
John, earl of Sutherland, John earl of Morton, David, earl of Wemys, David, earl of Leven, John, earl of Stair, Archibald, earl of Roſeberry, David, earl of Glaſgow, deputies of the treaſury.
The lord Archibald Campbell, brother to the duke of Argyle.
Thomas, viſcount Dupplin.

The

1706. to the deſign, many of them having ſtood out in a long and firm oppoſition to the revolution, and to all that had been done afterwards purſuant to it (a). The nomination of theſe

The lord William Roſs, one of the commiſſioners of the treaſury.
Sir Hugh Dalrymple, preſident of the ſeſſion.
Adam Cockburn, of Ormiſtown, lord-juſtice-clerk.
Sir Robert Dundaſs, of Armiſtown, and Mr. Robert Stuart, of Tillicultrie, lords of the ſeſſion.
Mr. Francis Montgomery, one of the commiſſioners of the treaſury.
Sir David Dalrymple, one of her majeſty's ſolicitors.
Sir Alexander Ogilvie, receiver-general.
Sir Patrick Johnſtown, provoſt of Edinburgh.
Sir James Smallet, of Bonhill.
George Lockhart, of Carnwath.
William Morriſon, of Preſtongrange.
Alexander Grant.
William Seton, of Pitmeddon, jun.
John Clark, of Pennycook, jun.
Hugh Montgomery, late provoſt of Glaſgow.
Daniel Stuart.
Daniel Campbell, of Arutennet.

as once to the treaty. The other, becauſe being my lord Wharton's nephew, they expected to carry him off; and, as he was ſurpriſed at his being named, ſo he had no inclination to the employment, and was at firſt reſolved not to have accepted it: but his friends, and thoſe of his party, believing he might be ſerviceable by giving an account how matters were carried on, prevailed with him to alter his reſolution. But he foreſeeing, that ſeveral things would occur during the treaty, that were contrary to his principles, as the buſineſs of an incorporating union, and, in conſequence thereto, the ſucceſſion of the houſe of Hanover to the crown; he convened together the earls of Hume and Strathmore, the viſcount of Stormont, Mr. Cochran of Kilmarnock, Mr. Fletcher of Salton, and Mr. Henry Maule of Kelly, who were the chief inſtruments of perſuading him to attend the treaty; and wrote to the duke of Hamilton, who was then in Lancaſhire; and, having communicated to them his difficulties, he deſired their advice and direction how he ſhould behave, and particularly, whether or not he ſhould proteſt and enter his diſſent againſt theſe meaſures; being reſolved to receive inſtructions from them, as a warrant for his procedure, and to juſtify his conduct. To whom

(a) Mr Lockart, on the other hand, aſſures us in his memoirs, p. 286, that all the commiſſioners were of the court or whig intereſt, except himſelf and the archbiſhop of York. This laſt, as was reported, ſays he, was named merely out of reſpect to the dignity of the office he bore, but would not be preſent ſo much

theſe was fixed on by the dukes of Queenſberry and Argyle. 1706.
It was ſaid by them, that, though theſe objections did indeed lie againſt them, yet they had ſuch an intereſt in Scotland, that engaging them to be cordially for the union would

' whom they all unanimouſly returned this anſwer, that, if he ſhould proteſt, he could not well continue longer to meet with the other commiſſioners; and, if he entered his diſſent, it would render him odious to them; that they would be extremely upon the reſerve, ſo as he would be utterly incapable to learn any thing that might be uſeful afterwards in the oppoſing the deſigns; whereas, if he ſat quiet, and concealed his opinion as much as poſſible, they, expecting to perſuade him to leave his old friends and party, would not be ſhy, and he might make diſcoveries of their deſigns, and thereby do a ſingular ſervice to his country.'

The ſame writer afterwards tells us, p. 191, 'That the treaſurer of England and court-party there did not at firſt deſign the treaty of union ſhould have gone the length it afterwards did; it being a mighty ſtroke to the monarchy, and conſequently to them, who adviſed and directed the queen in all matters. But the treaſurer, being extremely blamed for allowing the queen to paſs the Scots act of ſecurity, and concerning peace and war, into laws, knew the tories, who only waited for a proper time, deſigned to lay hold on this as an handle wherewithal to pull him down; and therefore, to ſave himſelf by amuſing the Engliſh with the hopes of an intire union, he ſet this treaty on foot, with a deſign to have ſpun it out ſo long, as he was in hazard of the attempts and malice of his enemies. But the whig-party joined moſt ſincerely in the meaſure of an incorporating union.—They had ſomewhat in view beſides the general intereſt and ſecurity of England, or eſtabliſhing the houſe of Hanover on the two thrones of this iſland (all monarchs and race of kings being equally odious to them) their deſign being ſooner or later to eſtabliſh a commonwealth, or at leaſt to clip the wings of the royal prerogative, and to reduce the monarch to ſo low an ebb, that his power ſhould not exceed that of a Stadtholder of Holland, or a doge of Venice. And it was plain and obvious ſuch deſigns could be more eaſily executed, when the legiſlative authority of Scotland was abrogated, by reducing the repreſentatives of the nation to a ſmall and inconſiderable number incorporated with a much greater, and ſubjecting her to the laws, regulations, and government of another kingdom, of which they had the chief direction, than if the Scots nation and parliament remained a diſtinct and independent people and judicature, and were thereby in a capacity to aſſiſt their

' ſovereign

1706. would be a great means to get it agreed to in the parliament there. The earl of Stair, who heartily concurred in the deſign, was thought to have a hand in this piece of policy, in which the event ſhewed that right meaſures were taken. The Scots had got among them the notion of a Fœderal-union, like that of the United-provinces, or the cantons of Switzerland. But the Engliſh reſolved, to loſe no time, in the examining or diſcuſſing that project; for this reaſon, beſides many others, that, as long as the two nations had two different parliaments, they could break the union whenever they pleaſed; for each nation would follow their own parliament. The deſign was now to ſettle a laſting and firm union between the kingdoms; therefore they reſolved to treat only about an incorporating union, that ſhould put an end to all diſtinctions, and unite all their intereſts: ſo they at laſt entered upon the ſcheme of an intire union.

Proceedings of the commiſſioners for the union. Hiſt. of Europe. Burnet. Journal of the Pr.

On Tueſday the 16th of April, the commiſſioners of both kingdoms met, the firſt time, in the council-chamber in

'ſovereign in maintaining his 'juſt rights and prerogatives 'in that as well as his other 'kingdoms. They remembered 'how the Scots, in the reign 'of king Charles II. did caſt 'the balance, and defeat their 'deſign of ſecluding the duke 'of York from ſucceeding to 'the crown; and were reſolved 'by this incorporating union 'to remove that obſtacle to 'their future projects and de'ſigns. Thus, the court and 'whig-parties in England agree'ing (though upon different 'topics and views at firſt) in 'the meaſure of a treaty of 'union betwixt the two king'doms, the latter prevailed to 'have a plurality of their own 'party in both commiſſions, 'particularly the Scots, who ſo 'frankly yielded to the demands 'of the Engliſh, and proſtituted 'the honour, and ſurrendered 'the intereſt of their country, 'that the terms of the treaty 'proved ſo advantageous for 'England, and deſtructive to 'Scotland, that the treaſurer 'and court-party could not, 'without giving a greater han'dle againſt them, than what 'they propoſed to evade by this 'meaſure, ſo much as connive 'at, or countenance any per'ſon, that endeavoured to ob'ſtruct the union's taking effect. 'On the other hand, the Scots 'ſtateſmen and revolutioners 'were ſo ſenſible of their own 'guilt in betraying their coun'try, and acting contrary to its 'intereſt theſe many years by'paſt, that they thought them'ſelves in no ſecurity from be'ing called to an account for 'their actions, unleſs they re'moved the parliament, and 'rendered the nation ſubſer'vient and ſubject to a people, 'whom they had ſerved, and 'from whom they looked for 'protection.'

in the Cock-pit near Whitehall, the place appointed for their conferences; and their commiſſions being opened and read by the ſecretaries, the lord-keeper of England, and the lord-chancellor of Scotland, made introductory ſpeeches; after which it was agreed, that copies of the two commiſſions ſhould be prepared and ſigned by the reſpective ſecretaries, and interchanged againſt the next meeting, which was put off till the Monday following. 1706.

Accordingly, on the 22d of April, they met again, and the lord-keeper delivered to the board the following preliminaries: "I. That all propoſals made by either ſide be made "in writing, and every point, when agreed, reduced into "writing. II. That no points, though agreed on, and "reduced into writing, be obligatory on either ſide, till all "matters be adjuſted in ſuch a manner, as will be proper "to be laid before the queen and the two parliaments for "their approbation. III. That there be a committee ap-"pointed, conſiſting of a certain number of each commiſ-"ſion, to reviſe the minutes of what paſſes, which are not "to be inſerted by the ſecretaries in their reſpective books, "but by order of the ſaid committee, having firſt made "report thereof to the reſpective commiſſioners, and re-"ceived their approbation of the ſame. IV. That all the "proceedings of the commiſſioners of both kingdoms, du-"ring the treaty, be kept ſecret." The lord-keeper alſo delivered to the board the following propoſal, "That the "two kingdoms of England and Scotland be for ever united "into one kingdom, by the name of Great-Britain: that "the united kingdom of Great-Britain be repreſented by "one and the ſame parliament; and that the ſucceſſion to "the monarchy of the united kingdom of Great-Britain, in "caſe of failure of heirs of her majeſty's body, be, accord-"ing to the limitations mentioned in an act of parliament, "made in England in the 12th and 13th years of the reign "of the late king William, intitled, An act for the further "limitation of the crown, and the better ſecuring the rights "and liberties of the ſubject."

After this the commiſſioners adjourned to the 24th of the ſame month, when the lord-chancellor of Scotland acquainted the board, that the commiſſioners of Scotland did agree to the preliminary articles propoſed at the laſt meeting, for regulating the method of proceeding in this treaty: and then he delivered to the board the following propoſals: "1. That the ſucceſſion to the crown of Scotland, in caſe "of failure of heirs of her majeſty's body, ſhould be eſtab-

"liſhed

1706. "liſhed upon the ſame perſons mentioned in an act of par-
"liament made in England, in the 12th and 13th years of
"the reign of the late king William. 2. That the ſub-
"jects of Scotland ſhould for ever enjoy all rights and pri-
"vileges, as natives of England, in England, and the
"dominions thereunto belonging; and reciprocally, that
"the ſubjects of England enjoy the like rights and privileges
"in Scotland. 3. That there be a free communication and
"intercourſe of trade and navigation between the two king-
"doms and plantations thereunto belonging, under ſuch
"regulations, as, in the progreſs of this treaty, ſhall be
"found moſt for the advantage of both kingdoms. 4.
"That all laws and ſtatutes in either kingdom, contrary
"to the terms of this union, be repealed." The commiſ-
ſioners for England, after a ſhort conſultation by themſelves,
returned an anſwer, "That they were ſo fully convinced,
"that nothing but an intire union of the two kingdoms
"would ſettle perfect and laſting friendſhip between them,
"that they therefore thought fit to decline entering into
"any further conſideration upon the propoſals now made
"by the commiſſioners for Scotland, as not tending to that
"end; and deſired, that the commiſſioners for Scotland
"would give in their anſwer to the propoſal delivered by
"the commiſſioners for England, in order to an intire
"union of both kingdoms."

The next day the lord-chancellor, in the name of the commiſſioners for Scotland, delivered to the board the following anſwer: "The commiſſioners for Scotland have
"conſidered the propoſal given in to them by the commiſ-
"ſioners for England, on Monday the 22d inſtant; and
"do agree, that the kingdoms of Scotland and England be
"for ever united into one kingdom, by the name of Great-
"Britain: that the united kingdom of Great-Britain be
"repreſented by one and the ſame parliament: and that
"the ſucceſſion to the monarchy of the kingdom of Great-
"Britain, in caſe of failure of heirs of her majeſty's body,
"ſhall deſcend upon the moſt excellent princeſs Sophia,
"electreſs and ducheſs dowager of Hanover, and remain
"to her and the heirs of her body, being proteſtants, with
"this proviſion, That all the ſubjects of the united king-
"dom of Great-Britain ſhall have full freedom and inter-
"courſe of trade and navigation, to and from any part or
"place within the united kingdom, and plantations there-
"unto belonging; and that there be a communication of

"all

" all other privileges and advantages, which do or may be- 1706.
" long to the ſubjects of either kingdom."

After a private conſultation, the lord-keeper in the name of the commiſſioners for England, delivered to the board this reply, " The commiſſioners for England are of opinion " that the proviſion added by the commiſſioners of Scotland, " to the propoſal made by the commiſſioners for England, " on the 22d inſtant, is a neceſſary conſequence of an intire " union; and therefore their lordſhips do agree to that pro- " viſion, under ſuch terms, as in the further progreſs of this " treaty ſhall be found to be for the common advantage of " both kingdoms."

The ſame day, in purſuance of the third preliminary, a committee was appointed for reviſing the minutes; and there were nominated, on the part of England, the lord Grey; Mr. John Smith ſpeaker of the houſe of commons, Sir Thomas Trevor, Sir John Cook, and Dr. Waller, or any three of them; and on the part of Scotland, the earl of Sutherland, the earl of Leven, the lord preſident of the ſeſſion, the lord juſtice clerk, John Clark of Pennycook, or any three of them.

Four days after the commiſſioners met again, and the lord-keeper delivered to the board the following propoſal: " That there be the ſame cuſtoms, exciſes, and all other " taxes; and the ſame prohibitions, reſtrictions, and regula- " tions of trade throughout the united kingdom of Great- " Britain." Hereupon the Scots commiſſioners propoſed, " That a committee be appointed of an equal number of " each ſide, to adjuſt the ſeveral points contained in that " propoſal; and deſired, that the Engliſh commiſſioners " would order the account of the taxes and other things, " to be laid before the committee."

The Engliſh commiſſioners having propoſed to appoint a committee, to conſiſt of eleven of each ſide, and of them any ſix to have power to proceed, and that they ſhould be nominated the next meeting; this was readily agreed to by the Scots; and accordingly, on the 1ſt of May, the commiſſioners proceeded to the nomination of the committee. The Engliſh named the dukes of Somerſet and Bolton, the earl of Sunderland, the lords Townſhend, Wharton, and Sommers, the ſpeaker of the houſe of commons, the marquis of Hartington, Mr. ſecretary Harley, Mr. Henry Boyle, and Sir Simon Harcourt. The Scots appointed the lord-chancellor, the duke of Queenſberry, the earls of Sutherland, Leven, and Stair, the lord Duplin, the lord-preſident of

1706. the seſſion, the lord-juſtice-clerk; and Sir Patrick Johnſtoun: and it was agreed, that this committee ſhould meet the next morning, and have power to adjourn themſelves.

On the 21ſt of May, when the treaty was pretty well advanced, the queen went to the meeting, and told the commiſſioners, "That ſhe was ſo much concerned for the union "of the two kingdoms, that ſhe could not ſatisfy herſelf "without coming, before ſhe went out of town, to ſee "what progreſs they had made in the treaty, and to recommend very earneſtly to them the bringing it to a happy "concluſion, with as much diſpatch, as the nature of it, "would admit; not doubting of the general ſatisfaction, "which her ſubjects of both kingdoms would receive, in "finding them to overcome all difficulties to attain ſo great "and public a good." When ſhe had done ſpeaking, the lord-keeper deſired to know, if ſhe would hear the propoſals, made on either ſide, and the reſolutions taken thereupon, read by the ſecretaries; which ſhe allowed of, and then retired.

About a month after, the queen came again to their meeting, and told the commiſſioners, "That ſhe was come thither "once more to ſee what further progreſs they had made in "the treaty, and to preſs a ſpeedy concluſion of it, in regard "her ſervants of Scotland could not, without great incon-"veniency, be much longer abſent from that kingdom." Upon this, in the thirty-fifth meeting, on the 28th of June, the Engliſh commiſſioners propoſed, that four commiſſioners of each part be appointed to draw up into form the articles of the treaty, upon the points already agreed, or which ſhould afterwards be agreed. To which the Scots commiſſioners having conſented, the articles were brought to perfection by the 22d of July, when the commiſſioners of both kingdoms ſigned and ſealed the inſtruments, and ordered, that the reſpective ſecretaries of each commiſſion ſhould ſign each other's journals of the proceedings, and afterwards enter in the journals the articles of the treaty of union.

The next day the commiſſioners for both kingdoms went from the Cockpit to attend the queen at St. James's, where the lord-keeper, in the name of the commiſſioners for England, preſented to her majeſty one of the ſigned and ſealed inſtruments containing the articles of the union, and made the following ſpeech:

May it pleaſe your majeſty,

"WE the commiſſioners appointed by your majeſty, in "purſuance of the act of parliament paſſed in your

" kingdom of England, to treat concerning an union of the 1706.
" two kingdoms with the commiſſioners of Scotland, do
" (according to our duty) humbly beg leave to preſent to
" your majeſty theſe the effects of our continued and faith-
" ful endeavours to that end.

" They are the articles agreed upon between your com-
" miſſioners of both kingdoms, as the terms or conditions
" upon which the intended union is to take place, if your
" majeſty, and the parliaments of both kingdoms, ſhall think
" fit to approve and confirm the ſame.

" In theſe we have come to an agreement on every point
" we judged neceſſary to effect a complete and laſting uni-
" on; and we have endeavoured not to ſtir into any matter
" we had reaſon to think was not ſo.

" And although we have unanimouſly carried this treaty
" thus far, purely from a conviction, that we have done
" therein to God, your majeſty, and our countries good
" ſervice; yet we are far from thinking, that what we have
" done, will or ought to be of any weight or authority
" elſewhere; but do moſt intirely ſubmit theſe our labours
" to the high wiſdom of your majeſty and both your par-
" liaments, to ſtand or fall by the reaſon, juſtice, and public
" utility, on which they are founded.

" Your majeſty's royal preſence and ſeaſonable admoniti-
" ons to us, at the fitteſt junctures, were (we moſt thank-
" fully acknowledge) a very great encouragement and aſ-
" ſiſtance to us in the difficulties we met with.

" Your majeſty's glory is already perfect; and the finiſh-
" ing this work is all that is wanting, to complete as well
" as ſecure the happineſs of ſo great a people as your ſubjects
" may now, without any arrogance, pretend to be.

" May your majeſty live, not only to give ſanction to
" this univerſal bleſſing to all your people, but alſo to ſee,
" in a long and proſperous reign over us, the many im-
" mediate or near good effects of it. But as for that
" great and main conſequence of it, for which your ma-
" jeſty is making, by a moſt gracious and charitable fore-
" ſight, this only effectual proviſion; I mean, the con-
" tinuance of peace and tranquillity in this iſland, upon a
" deſcent of the crown, inſtead of that bloodſhed, and de-
" ſtruction which would probably follow upon the fatal
" diviſion of it;

" May we be ſo happy, as never, in our days, to experi-
" ment the fitneſs of theſe meaſures your majeſty is now

1706. "taking for that end; but may late, very late, poſterity only "in that reſpect reap the advantage of them."

Then the lord-chancellor of Scotland, in the name of the commiſſioners for that kingdom, preſented alſo to her majeſty one of the ſigned and ſealed inſtruments of the articles of union, on the part of Scotland, with the following ſpeech:

May it pleaſe your majeſty,

"THE commiſſioners, appointed by your majeſty for the "kingdom of Scotland to treat of an union of your "two kingdoms of Scotland and England, have command-"ed me to return your majeſty their moſt humble and "dutiful acknowledgments, for the honour your majeſty "has conferred on them, in employing them to negotiate "this moſt important affair, which is of the greateſt con-"ſequence to all your majeſty's ſubjects.

"We have endeavoured to diſcharge this truſt with fi-"delity; and are now come humbly to lay before your "majeſty the articles and conditions of union, which we "have treated of, and agreed upon, and do ſubmit them to "your majeſty's royal conſideration.

"It is a great ſatisfaction to us, that what we have con-"cluded in this matter has been done with unanimity. "And we muſt own, that the knowledge we had of your "majeſty's great concern for uniting your two kingdoms, "and the earneſtneſs with which your majeſty has been "moſt graciouſly pleaſed to recommend it, hath enabled us "to bring this treaty to a happy and ſpeedy concluſion, to "the mutual ſatisfaction of the commiſſioners on both ſides; "and we ſhall eſteem it our greateſt happineſs, if what we "have prepared be acceptable to your majeſty, and ratified "by the parliaments of both kingdoms, without which what "we have done can be of no authority.

"An union of the two kingdoms has been long wiſhed "for, it being ſo neceſſary for eſtabliſhing the laſting peace, "happineſs, and proſperity of both nations. And though it "has been frequently endeavoured by your majeſty's royal "predeceſſors without the deſired ſucceſs; yet the glorious "ſucceſſes, with which God has bleſſed your majeſty's en-"deavours for the happineſs of your people, make us hope, "that this great work is reſerved to be accompliſhed in "your majeſty's reign."

After which the queen was pleaſed to make the following ſpeech:

My

1706.

My lords,

" I Give you many thanks for the great pains you have " taken in this treaty, and am very well pleaſed to find " your endeavours and applications have brought it to ſo " good a concluſion. The particulars of it ſeem ſo reaſon- " able, that I hope they will meet with approbation in the " parliaments of both kingdoms. I wiſh therefore, that my " ſervants of Scotland may loſe no time in going down to " propoſe it to my ſubjects of that kingdom: And I ſhall " always look upon it as a particular happineſs, if this uni- " on, (which will be ſo great a ſecurity and advantage to " both kingdoms) can be accompliſhed in my reign.

The ſame day the queen being in council, an order was made, importing " That whoſoever ſhould be concerned in " any ſeditious diſcourſe, or libel, or laying wagers relating " to the union, ſhould be proſecuted for ſuch their offences, " according to the utmoſt rigour of the law."

The lord Sommers had the chief hand in projecting this ſcheme of the union, into which all the commiſſioners of the Engliſh nation went very eaſily. The advantages, that were offered to Scotland in the whole frame of it, were ſo great and ſo viſible, that nothing but the conſideration of the ſafety, that was to be procured by it to England, could have brought the Engliſh to agree to a project, that, in every branch of it, was much more favourable to the Scots nation. The Scots were to bear leſs than the fortieth part of the public taxes. When four ſhillings in the pound were levied in England, amounting to two millions, Scotland was only to be taxed at forty eight thouſand pounds, which was eight months aſſeſſment of the ſix thouſand pounds which they had been accuſtomed for ſome years to pay, and which, they ſaid, was all that the nation could bear. It is held a maxim, that, in the framing of a government, a proportion ought to be obſerved between the ſhare in the legiſlature, and the burden to be borne. Yet in return of the fortieth part of the burden, the Scots were offered near the eleventh part of the legiſlature. For the peers of Scotland were to be repreſented by ſixteen peers in the houſe of lords; and the commons, by forty-five members in the houſe of commons; and theſe were to be choſen, according to the methods to be ſettled in the parliament of Scotland. And ſince Scotland was to pay cuſtoms and exciſes on the ſame foot with England, and was to bear a ſhare in paying much of the debt, which England had contracted during the war; three hun-

Articles of the union. Burnet.

1706. dred and ninety-eight thouſand pounds was to be raiſed in England, and ſent into Scotland, as an equivalent for that; and this was to be applied to the recoining the money, that all might be of one denomination and ſtandard; and to the payment of the public debts of Scotland, and repaying to their African company all their loſſes with intereſt upon which that company was to be diſſolved; and the overplus of the equivalent was to be applied to the encouragement of manufactures. Trade was to be free all over the iſland, and to the plantations; private rights were to be preſerved; and the judicatories and laws of Scotland, were ſtill to be continued. But all was put, for the future, under the regulation of the parliament of Great-Britain; the two nations now were to be one kingdom, under the ſame ſucceſſion to the crown, and united in one parliament. There was no proviſion made in this treaty with relation to religion; for in the acts of parliament in both kingdoms, which impowered the queen to name commiſſioners, there was an expreſs limitation, that they ſhould not treat of thoſe matters.

This was the ſubſtance of the articles of the treaty, which, when they came to be laid before the parliament of Scotland, met with great oppoſition, as will hereafter appear ( ). It is time now to return to the operations of the war.

The

(1) As the articles of Union will be often referred to, it will be proper to inſert them at large.

I. That the two kingdoms of England and Scotland ſhall, upon the firſt day of May, which ſhall be in the year 1707, and for ever after, be united into one kingdom, by the name of Great Britain; and that the enſigns armorial of the ſaid united kingdom be ſuch as her majeſty ſhall appoint; and the croſſes of St. George and St. Andrew be conjoined in ſuch manner as her majeſty ſhall think fit, and uſed in all flags, banners, ſtandards, and enſigns, both at ſea and land.

II. That the ſucceſſion to the monarchy of the united kingdom of Great-Britain, and of the dominions thereunto belonging, after her moſt ſacred majeſty, and in default of iſſue of her majeſty, be, remain, and continue to the moſt excellent princeſs Sophia, electreſs and ducheſs dowager of Hanover, and the heirs of her body, being proteſtants, upon whom the crown of England is ſettled, by an act of parliament made in England, in the 12th year of the reign of his late majeſty king William III. intitled, An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubjects. And that all papiſts, and perſons marrying papiſts, ſhall be excluded from, and for ever incapable to inherit, poſſeſs, or enjoy the imperial crown of Great-Britain, and the domini-

ons

The French ſeemed to have laid the deſign of their campaign ſo well, that it had every where a formidable appearance: And, if the execution had anſwered their ſcheme, it would have proved as glorious, as it was, in the concluſion, fatal to them. They reckoned the taking of Barcelona and Turin ſure; and, by that means, they thought the war, both in Spain and Italy, would be ſoon brought to an end. They knew they ſhould be ſuperior to any force the prince of Baden could bring together, on the Upper Rhine; and they intended to have a great army in Flanders, where they knew

1706. Campaign in Flanders. Hiſt. of Europe. Conduct of the D. of Marlb. Brodrick. Burnet.

ons thereunto belonging, or any part thereof: And, in every ſuch caſe, the crown and government ſhall from time to time deſcend to, and be enjoyed by ſuch perſon, being a proteſtant, as ſhould have inherited and enjoyed the ſame, in caſe ſuch papiſts, or perſon marrying a papiſt, was naturally dead, according to the proviſion for the deſcent of the crown of England, made by another act of parliament in England, in the 1ſt year of the reign of their late majeſties king William and queen Mary, intitled, An act declaring the rights and liberties of the ſubjects, and ſettling the ſucceſſion of the crown.

III. That the united kingdom of Great-Britain be repreſented by one and the ſame parliament, to be ſtiled the parliament of Great-Britain.

IV. That all the ſubjects of the united kingdom of Great-Britain ſhall, from and after the union, have full freedom and intercourſe of trade and navigation, to and from any port or place within the ſaid united kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do, or may belong to the ſubjects of either kingdom, except where it is otherwiſe expreſly agreed in theſe articles.

V. That all ſhips or veſſels belonging to her majeſty's ſubjects of Scotland, at the time of ratifying the treaty of union of the two kingdoms in the parliament of Scotland, though foreign built, be deemed, and paſs as ſhips of the build of Great-Britain; the owner, or where there are more owners, one or more of the owners, within twelve months, after the firſt of May next, making oath, that, at the time of ratifying the treaty of union in the parliament of Scotland, the ſame did, in whole or in part, belong to him or them, or to ſome other ſubject or ſubjects of Scotland, to be particularly named, with the place of their reſpective abodes; and that the ſame doth then, at the time of the ſaid depoſition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any ſhare, part, or intereſt therein: Which oath ſhall be made before the chief officer or officers of the cuſtoms in the port next to the abode of the ſaid owner or owners: And the

1706. knew our chief ſtrength would be, to act as occaſion or their other affairs ſhould require. But, how well ſoever their ſchemes might ſeem to be laid, they all proved unſucceſsful, and the events, as will be ſeen, happened quite contrary to all their views.

ſaid officer, or officers, ſhall be impowered to adminiſtrate the ſaid oath; and the oath, being ſo adminiſtrated, ſhall be atteſted by the officer, or officers, who adminiſtrated the ſame: And, being regiſtered by the ſaid officer, or officers, ſhall be delivered to the maſter of the ſhip, for ſecurity of her navigation, and a duplicate thereof ſhall be tranſmitted by the ſaid officer or officers, to the chief officer or officers of the cuſtoms in the port of Edinburgh, to be there entered in a regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all trading ſhips belonging to Great Britain.

VI. That all parts of the united kingdom, for ever, from and after the union, ſhall have the ſame allowances, encouragements, and drawbacks, and be under the ſame prohibitions, reſtrictions, and regulations of trade, and liable to the cuſtoms and duties on import and export. And that the allowances, encouragements and drawbacks, prohibitions, reſtrictions and regulations of trade, and the cuſtoms and duties on import and export ſettled in England, when the union commences, ſhall, from and after the union, take place throughout the whole united kingdom: excepting and reſerving the duties upon export and import of ſuch particular commodities, from which any perſons, the ſubjects of either kingdoms, are eſpecially liberated and exempted by their private rights, which, after the union, are to remain ſafe and intire to them in all reſpects as before the ſame. And that, from and after the union, no Scots cattle carried into England ſhall be liable to any other duties either on the public or private accounts, than thoſe duties, to which the cattle of England are or ſhall be liable within the ſaid kingdom. And ſeeing by the laws of England there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expreſſed, that, from and after the union, when oats ſhall be ſold at fifteen ſhillings ſterling per quarter, or under, there ſhall be paid two ſhillings and ſix-pence ſterling for every quarter of the oatmeal exported, in the term of the law, whereby, and ſo long as, rewards are granted for exportation of other grain; and that the beer of Scotland have the ſame rewards as barley: And in reſpect the importation of victuals into Scotland, from any place beyond ſea, would prove a diſcouragement to tillage, therefore that the prohibition, as now in force by the law of Scotland, againſt importation of victuals from Ireland, or any other place beyond ſea, into Scotland, do, after the union, remain in the ſame force as now it is, until more proper and effectual ways be provided by the parliament of Great-Britain for

The duke of Marlborough arrived at the Hague the 25th of April, N. S. and, continuing there till the 9th of May, had repeated conferences with the deputies of the States and their generals, upon the neceſſary meaſures to be taken for opening 1706.

for diſcouraging the importation of the ſaid victuals from beyond ſea.

VII. That all parts of the united kingdom be for ever, from and after the union, liable to the ſame exciſes upon all exciſeable liquors, excepting only, that the thirty-four gallons Engliſh barrel of beer or ale, amounting to twelve gallons Scots preſent meaſure, ſold in Scotland by the brewer at nine ſhillings and ſix-pence ſterling, excluding all duties, and retailed, including duties and the retailers profit, at two-pence the Scots pint, or eighth part of the Scots gallon, be not, after the union, liable on account of the preſent exciſe upon exciſeable liquors in England to any higher impoſition than two ſhillings ſterling upon the aforeſaid thirty-four gallons Engliſh barrel, being twelve gallons of the preſent Scots meaſure. And that the exciſe ſettled in England on all other liquors, when the union commences, take place throughout the whole united kingdom.

VIII. That, from and after the union, all foreign ſalt which ſhall be imported into Scotland, ſhall be charged, at the importation there, with the ſame duties as the like ſalt is now charged with, being imported into England, and to be levied and ſecured in the ſame manner. But, in regard the duties on great quantities of foreign ſalt imported may be very heavy on the merchants importers, that therefore all foreign ſalt, imported into Scotland, ſhall be cellared and locked up under the cuſtody of the merchants importers, and the officers employed for levying the duties upon ſalt; and that the merchant may have what quantities thereof his occaſions require, not under a weigh, or forty buſhels at a time, giving ſecurity for the duty of what quantity he receives, payable in ſix months. But Scotland ſhall, for the ſpace of ſeven years from the ſaid union, be exempted from paying in Scotland, for ſalt made there, the duty or exciſe now payable for ſalt made in England; but, from the expiration of the ſaid ſeven years, ſhall be ſubject and liable to the ſame duties for ſalt made in Scotland, as ſhall be then payable for ſalt made in England, to be levied and ſecured in the ſame manner, and with proportionable drawbacks and allowances, as in England; with this exception, that Scotland ſhall, after the ſaid ſeven years, remain exempted from the duty of two ſhillings and four-pence the buſhel on home ſalt, impoſed by an act made in England in the ninth and tenth of king William the third of England. And, if the parliament of Great-Britain ſhall, at or before the expiring of the ſaid ſeven years, ſubſtitute any

other

1706. ing the campaign. The duke, with monſieur Auverquerque, came to Maeſtricht on the 12th of May, and the next day they reviewed the army; and, on the 21ſt, the Engliſh troops joined the Dutch between Borchloen and Groes-Wareil.

other fund in place of the ſaid two ſhillings and four-pence of exciſe on the buſhel of home ſalt, Scotland ſhall, after the ſaid ſeven years, bear a proportion of the ſaid fund, and have an equivalent in the terms of this treaty. And that, during the ſaid ſeven years, there ſhall be paid in England for all ſalt made in Scotland, and imported from thence into England, the ſame duties upon the importation, as ſhall be payable for ſalt made in England, to be levied and ſecured in the ſame manner as the duties on foreign ſalt are to be levied and ſecured in England. And that, after the ſaid ſeven years, as long as the ſaid duty of two ſhillings and four-pence a buſhel upon ſalt is continued in England, the ſaid two ſhillings and four-pence a buſhel ſhall be payable for all ſalt made in Scotland, and imported into England, to be levied and ſecured in the ſame manner; and that, during the continuance of the duty of two ſhillings and four pence a buſhel upon ſalt made in England, no ſalt whatſoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the ſalt and the cattle and carriages made uſe of in bringing the ſame, and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionably for a greater or leſſer quantity, for which the carrier, as well as the owner, ſhall be liable, jointly and ſeverally, and the perſons bringing or carrying the ſame, to be impriſoned by any one juſtice of the peace, by the ſpace of ſix months, without bail, and until the penalty be paid. And, for eſtabliſhing an equality in trade, that all fleſh, exported from Scotland to England, and put on board in Scotland to be exported to parts beyond the ſeas, and proviſion for ſhips in Scotland, and for foreign voyages, may be ſalted with Scots ſalt, paying the ſame duty for what ſalt is ſo employed, as the like quantity of ſuch ſalt pays in England, and under the ſame penalties, forfeitures, and proviſions, for preventing frauds, as are mentioned in the laws of England. And that, from and after the union, the laws and acts of parliament in Scotland, for pining, curing, and packing of herrings, white fiſh, and ſalmon, for exportation, with foreign ſalt only, without any mixture of Britiſh or Iriſh ſalt, and for preventing of frauds, and curing and packing of fiſh, be continued in force in Scotland, ſubject to ſuch alterations as ſhall be made by the parliament of Great-Britain; and that all fiſh exported from Scotland to parts beyond the ſeas, which ſhall be cured with foreign ſalt only, and without mixture of Britiſh or Iriſh ſalt, ſhall have the ſame eaſes, premiums, and drawbacks, as are or ſhall be allowed to ſuch perſons as export the like fiſh from England.

And

Waren. The confederate army then conſiſted of ſeventy-four battalions of foot, and one hundred and twenty-three ſquadrons of horſe and dragoons, having with them an hundred cannon, twenty hawbitzers, and forty-two pontoons. 1706.

The court of France, in the mean time, had information, that the confederate army in the Netherlands was not yet compleat; that the Danes refuſed to ſtir from their quarters, till their arrears were paid; and that the Pruſſians, for other reaſons, were yet ſo far behind, that they could not join the duke of Marlborough in ſeveral weeks. It was ſaid, that the French king had penſioners in the courts of Denmark and Pruſſia, who had promiſed him to uſe their utmoſt endeavours to retard the march of their reſpective maſters forces (which were in the pay of England and Holland) to the general rendezvous; upon the confidence of which, the French king ſent ſuch poſitive orders to marſhal Villeroy to fight the allies, that the elector of Bavaria, who was then at Bruſſels, had juſt time enough to take poſt-horſes, to join the Deſigns and motions of the French.

And that, for encouragement of the herring fiſhing, there ſhall be allowed and paid to the ſubjects, inhabitants of Great-Britain, during the preſent allowances for other fiſhes, ten ſhillings and five-pence ſterling for every barrel of white herrings, which ſhall be exported from Scotland; and that they ſhall be allowed five ſhillings ſterling for every barrel of beef or pork ſalted with foreign ſalt, without mixture of Britiſh or Iriſh ſalt, and exported for ſale from Scotland to parts beyond ſea, alterable by the parliament of Great-Britain. And, if any matters of frauds, relating to the ſaid duties on ſalt, ſhall hereafter appear, which are not ſufficiently provided againſt by this article, the ſame ſhall be ſubject to ſuch further proviſions as ſhall be thought fit by the parliament of Great-Britain.

IX. That whenever the ſum of one million, nine hundred, and ninety-ſeven thouſand, ſeven hundred and ſixty-three pounds, eight ſhillings, and four-pence half-penny, ſhall be enacted by the parliament of Great-Britain, to be raiſed in that part of the united kingdom now called England, on land and other things uſually charged in acts of parliament there, for granting an aid to the crown by a land-tax; that part of the united kingdom, now called Scotland, ſhall be charged by the ſame act with the further ſum of forty-eight thouſand pounds free of all charges, as the quota of Scotland to ſuch tax, and ſo proportionably for any greater or leſſer ſum raiſed in England by any tax on land, and other things uſually charged together with the land: And that ſuch quota for Scotland, in the caſes aforeſaid, be raiſed and collected in the ſame manner as the ceſs now is in Scotland, but ſubject to ſuch regulations in the manner of collecting as ſhall be made by the parliament of Great-Britain.

X.

1706. the army, which paſſed the Deule the 19th of May, and poſted themſelves at Tirlemont, with the Gheet before them. This army, under the command of the elector of Bavaria and marſhal Villeroy, conſiſted of ſeventy thouſand men, and would have been ſuperior to the confederate army without the Danes.

The

X. That during the continuance of the reſpective duties on ſtamped paper, vellum, and parchment, by the ſeveral acts now in force in England, Scotland ſhall not be charged with the ſame reſpective duties.

XI. That, during the continuance of the duties payable in England on windows and lights, which determines on the firſt day of Auguſt 1710, Scotland ſhall not be charged with the ſame duties.

XII. That, during the continuance of the duties payable in England on coals, culm, and cynders, which determines the thirtieth day of September 1710, Scotland ſhall not be charged therewith for coals, culm, and cynders conſumed there, but ſhall be charged with the ſame duties as in England for all coals, culm, and cynders not conſumed in Scotland.

XIII. That, during the continuance of the duty payable in England on malt, which determines the twenty-fourth day of June 1707, Scotland ſhall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the union, except theſe conſented to in this treaty; in regard it is agreed, That all neceſſary proviſion ſhall be made by the parliament of Scotland for the public charge and ſervice of that kingdom for the year 1707. Provided nevertheleſs, That if the parliament of England ſhall think fit to lay any further impoſitions by way of cuſtoms, or ſuch exciſes, with which, by virtue of this treaty, Scotland is to be charged equally with England; in ſuch caſe Scotland ſhall be liable to the ſame cuſtoms and exciſes, and have an equivalent to be ſettled by the parliament of Great-Britain, with this further proviſion, That any malt to be made and conſumed in that part of the united kingdom, now called Scotland, ſhall not be charged with any impoſition on malt, during this preſent war. And ſeeing it cannot be ſuppoſed, that the parliament of Great-Britain will ever lay any ſort of burdens upon the united kingdom, but what they ſhall find of neceſſity at that time for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom; therefore it is agreed, That there be no further exemption inſiſted upon for any part of the united kingdom, but that the conſideration of any exemptions beyond what is already agreed on in this treaty, ſhall be left to the determination of the parliament of Great-Britain.

XV.

The confederates, on their ſide, were no leſs eager for an engagement, but could hardly flatter themſelves with the hopes of having ſo early and ſo fair an opportunity for it. The duke of Marlborough being apprehenſive, that the French 1706. The confederates are deſirous of engaging.

XV. That whereas by the terms of this treaty, the ſubjects of Scotland, for preſerving an equality of trade throughout the united kingdom, will be liable to ſeveral cuſtoms and exciſes now payable in England, which will be applicable towards payment of the debts of England, contracted before the union; it is agreed, That Scotland ſhall have an equivalent for what the ſubjects thereof ſhall be ſo charged towards payment of the ſaid debts of England in all particulars whatſoever, in manner following, viz. That, before the union of the ſaid kingdoms, the ſum of three hundred ninety-eight thouſand and eighty-five pounds, ten ſhillings, be granted to her majeſty by the parliament of England for the uſes after-mentioned, being the equivalent to be anſwered to Scotland for ſuch parts of the ſaid cuſtoms and exciſes upon all exciſeable liquors, with which that kingdom is to be charged upon the union, as will be applicable to the payment of the ſaid debts of England, according to the proportions which the preſent cuſtoms of Scotland, being thirty thouſand pounds per annum, do bear to the cuſtoms in England, computed at one million, three hundred and forty-one thouſand, five hundred and fifty nine pounds per annum. And which the preſent exciſes on exciſeable liquors in Scotland, being thirty three thouſand and five hundred pounds per annum, do bear to the exciſes on exciſeable liquors in England, computed at nine hundred and forty ſeven thouſand, ſix hundred and two pounds per annum; which ſum of three hundred and ninety-eight thouſand eighty five pounds ten ſhillings, ſhall be due and payable from the time of the union. And in regard, that, after the union, Scotland becoming liable to the ſame cuſtoms and duties payable on import and export, and to the ſame exciſes on all exciſeable liquors as in England, as well upon that account, as upon the account of the increaſe of trade and people (which will be the happy conſequence of the union) the ſaid revenues will much improve beyond the before-mentioned annual values thereof, of which no preſent eſtimate can be made: yet nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent anſwered to Scotland; it is agreed, That, after the union, there ſhall be an account kept of the ſaid duties ariſing in Scotland, to the end it may appear what ought to be anſwered to Scotland as an equivalent for ſuch proportion of the ſaid increaſe, as ſhall be applicable to the payment of the debts of England. And, for the further and more effectual anſwering the ſeveral ends hereafter mentioned; it is agreed, That, from and after the union, the whole increaſe of

1706. French would take the ſame method over again, and keep behind the Deule, as they had done the year before, had ſeveral times expreſſed his concern about it to thoſe who were

of the revenues of cuſtoms and duties on import and export, and exciſes upon exciſeable liquors in Scotland, over and above the annual produce of the ſaid reſpective duties as above ſtated, ſhall go and be applied for the term of ſeven years to the uſes hereafter mentioned, and that upon the ſaid account there ſhall be anſwered to Scotland annually, from the end of ſeven years after the union, an equivalent in proportion to ſuch part of the ſaid increaſe, as ſhall be applicable to the debts of England; and generally, that an equivalent ſhall be anſwered to Scotland for ſuch parts of the Engliſh debts as Scotland may hereafter become liable to pay by reaſon of the union, other than ſuch, for which appropriations have been made by parliament in England, of the cuſtoms or other duties on export and import, exciſes on all exciſeable liquors: in reſpect of which debts, equivalents are herein before provided. And as for the uſes, to which the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, to be granted as aforeſaid, and all other monies, which are to be anſwered or allowed to Scotland as ſaid is, are to be applied, it is agreed, That in the firſt place, out of the aforeſaid ſum, what conſideration ſhall be found neceſſary to be had for any loſſes, which private perſons may ſuſtain, by reducing the coin of Scotland to the ſtandard and value of the coin of England, may be made good. In the next place, that the capital ſtock, or fund of the African and Indian company of Scotland, advanced together with the intereſt for the ſaid capital ſtock after the rate of five per cent. per annum, from the reſpective times of the payment thereof, ſhall be paid: upon payment of which capital and intereſt, it is agreed, The ſaid company be diſſolved and ceaſe; and alſo, that from the time of paſſing the act of parliament in England for raiſing the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, the ſaid company ſhall neither trade, nor grant licences to trade, providing, That if the ſaid ſtock and intereſt ſhall not be paid in twelve months after the commencement of the union, that then the ſaid company may from thence forward trade, or give licence to trade, until the ſaid whole capital ſtock and intereſt ſhall be paid. And as to the overplus of the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, after payment of what conſideration ſhall be had for loſſes in repairing the coin, and paying the ſaid capital ſtock and intereſt; and alſo the whole increaſe of the ſaid revenues of cuſtoms, duties, and exciſes, above the preſent value, which ſhall ariſe in Scotland during the ſaid term of

ſeven

were intimate with him; and was already taking meaſures how to prevent it, when an unexpected occaſion was thrown into his hands, of ſignalizing again his courage and conduct. 1706.

Upon

ſeven years, together with the equivalent, which ſhall become due upon the improvement thereof in Scotland, after the ſaid term: and alſo as to all other ſums, which, according to the agreements aforeſaid, may become payable to Scotland, by way of equivalent for what that kingdom ſhall hereafter become liable, towards payment of the debt of England, it is agreed, That the ſame be applied in manner following, viz. That all the public debts of the kingdom of Scotland, as ſhall be adjuſted by this preſent parliament, ſhall be paid; and that two thouſand pounds per annum, for the ſpace of ſeven years, ſhall be applied towards encouraging and promoting the manufacture of coarſe wool within thoſe ſhires, which produce the wool; and that the firſt two thouſand pounds ſterling be paid at Martinmaſs next, and ſo yearly at Martinmaſs during the ſpace aforeſaid. And afterwards the ſame ſhall be wholly applied towards the encouraging and promoting the fiſheries, and ſuch other manufactures and improvements in Scotland, as may moſt conduce to the general good of the united kingdom. And it is agreed, That her majeſty may be impowered to appoint commiſſioners, who ſhall be accountable to the parliament of Great-Britain, for diſpoſing the ſaid ſum of three hundred and ninety-eight thouſand and eighty-five pounds, ten ſhillings, and all other monies, which ſhall ariſe to Scotland upon the agreements aforeſaid, to the purpoſes before-mentioned: which commiſſioners ſhall be impowered to call for, receive, and diſpoſe of the ſaid monies in manner aforeſaid; and to inſpect the books of the ſeveral collectors of the ſaid revenues, and of all other duties from whence an equivalent may ariſe, and that the collectors and managers of the ſaid revenues and duties be obliged to give to the ſaid commiſſioners ſubſcribed authentic abbreviates of the produce of ſuch revenues and duties ariſing in their reſpective diſtricts: and that the ſaid commiſſioners ſhall have their office within the limits of Scotland, and ſhall in ſuch office keep books, containing accounts of the amount of the equivalent, and how the ſame ſhall have been diſpoſed of from time to time, which may be inſpected by any of the ſubjects, who ſhall deſire the ſame.

XVI. That, from and after the union, the coin ſhall be of the ſame ſtandard and value throughout the united kingdom, as now in England, and a mint ſhall be continued in Scotland under the ſame rules as the mint in England, and the preſent officers of the mint continued, ſubject to ſuch regulations and alterations, as her majeſty, her heirs or ſucceſſors, or the parliament of Great-Britain ſhall think fit.

XVII.

1706. Upon the enemy's paſſing the Deule, the duke ſent orders to the Daniſh horſe, who were coming from their garriſons, to haſten their march; and, that there might not be the leaſt pretence of delay, he engaged his promiſe with the

XVII. That, from and after the union, the ſame weights and meaſures ſhall be uſed throughout the united kingdom, as are now eſtabliſhed in England; and ſtandards of weights and meaſures ſhall be kept by thoſe burghs in Scotland, to whom the keeping the ſtandards of weights and meaſures, now in uſe there, does of ſpecial right belong. All which ſtandards ſhall be ſent down to ſuch reſpective burghs from the ſtandards kept in the Exchequer at Weſtminſter, ſubject nevertheleſs to ſuch regulations, as the parliament of Great-Britain ſhall think fit.

XVIII. That the laws concerning regulation of trade, cuſtoms, and ſuch exciſes to which Scotland is, by virtue of this treaty, to be liable, be the ſame in Scotland, from and after the union, as in England; and that all other laws in uſe within the kingdom of Scotland, do, after the union, and notwithſtanding thereof, remain in the ſame force as before (except ſuch as are contrary to, or inconſiſtent with this treaty) but alterable by the parliament of Great Britain: with this difference betwixt the laws concerning public right, policy, and civil government, and thoſe which concern private right, that the laws, which concern public right, policy, and civil government, may be made the ſame throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the ſubjects within Scotland.

XIX. That the court of ſeſſion, or college of juſtice, do, after the union, and notwithſtanding thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the union, ſubject nevertheleſs to ſuch regulations, for the better adminiſtration of juſtice, as ſhall be made by the parliament of Great-Britain; and that hereafter none ſhall be named by her majeſty, or her royal ſucceſſors, to be ordinary lords of ſeſſion, but ſuch who have ſerved in the college of juſtice as advocates, or principal clerks of ſeſſion for the ſpace of five years; or as writers to the ſignet, for the ſpace of ten years; with this proviſion, That no writer to the ſignet be capable to be admitted a lord of the ſeſſion, unleſs he undergo a private and public trial on the civil law, before the faculty of advocates, and be found by them qualified for the ſaid office, two years before he be named to be a lord of ſeſſion: Yet ſo, as the qualification made, or to be made, for capacitating perſons to be named ordinary lords of ſeſſion, may be altered by the parliament of Great-Britain. And that the court of juſticiary do alſo, after the union, and, notwithſtanding

the field-deputies of the States, that their arrears ſhould be paid them. The duke of Wirtemberg, who commanded thoſe troops, and was well affected to the common cauſe, ſeeing 1706.

ing thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the union, ſubject nevertheleſs to ſuch regulations as ſhall be made by the parliament of Great-Britain, and without prejudice of other rights of juſticiary; and that all admiralty juriſdictions be under the high-admiral, or commiſſioners for the admiralty of Great-Britain for the time being; and that the court of admiralty, now eſtabliſhed in Scotland, be continued, and that all reviews, reductions, or ſuſpenſions of the ſentences in maritime caſes, competent to the juriſdiction of that court, remain in the ſame manner after the union, as now in Scotland, until the parliament of Great-Britain ſhall make ſuch regulations and alterations as ſhall be judged expedient for the whole united kingdom, ſo as there be always continued in Scotland a court of admiralty, ſuch as is in England, for determination of all maritime caſes relating to private rights in Scotland; competent to the juriſdiction of the admiralty court, ſubject nevertheleſs to ſuch regulations and alterations as ſhall be thought proper to be made by the parliament of Great-Britain; and that the heritable rights of admiralties and vice-admiralties in Scotland be reſerved to the reſpective proprietors as rights of property, ſubject nevertheleſs, as to the manner of exerciſing ſuch heritable rights, to ſuch regulations and alterations as ſhall be thought proper to be made by the parliament of Great-Britain. And that all other courts now in being within the kingdom of Scotland do remain, but ſubject to alterations by the parliament of Great-Britain; and that all inferior courts within the ſaid limits do remain ſubordinate, as they are now, to the ſupreme courts of juſtice within the ſame in all time coming: and that no cauſes in Scotland be cognoſcible by the courts of Chancery, Queen's-Bench, Common-Pleas, or any other court in Weſtminſter-hall; and that the ſaid courts or any other of the like nature, after the union, ſhall have no power to cognoſce, review, or alter the acts or ſentences of the judicature within Scotland, or ſtop the execution of the ſame: And that there be a court of Exchequer in Scotland after the union, for deciding queſtions concerning the revenues of cuſtoms and exciſes there, having the ſame power and authority in ſuch caſes, as the court of Exchequer has in England; and that the ſaid court of Exchequer in Scotland have power of paſſing ſignatures, gifts, tutories, and in other things, as the court of Exchequer at preſent in Scotland hath; and that the court of Exchequer, that now is in Scotland, do remain until a new court of Exchequer be ſettled by the parliament of Great-Britain

1706. ſeeing every thing was complied with; that the king of Denmark inſiſted on, thought he needed not to ſtay, till he ſent to that court, nor wait for expreſs orders; and therefore commanded

Britain in Scotland after the union: and that, after the union, the queen's majeſty, and her royal ſucceſſors, may continue a privy-council in Scotland, for preſerving the public peace and order, until the parliament of Great-Britain ſhall think fit to alter it, or eſtabliſh any other effectual method for that end.

XX. That all heretable offices, ſuperiorities, heretable juriſdictions, offices for life, and juriſdictions for life, be reſerved to the owners thereof, as rights of property, in the ſame manner as they are now enjoyed by the laws of Scotland, notwithſtanding this treaty.

XXI. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain intire after the union, and notwithſtanding thereof.

XXII. That, by virtue of this treaty, of the peers of Scotland at the time of the union, ſixteen ſhall be the number to ſit and vote in the houſe of lords, and forty-five the number of the repreſentatives of Scotland, in the houſe of commons, of the parliament of Great Britain; and that when her majeſty, her heirs or ſucceſſors, ſhall declare her or their pleaſure, for holding the firſt or any ſubſequent parliament of Great-Britain, until the parliament of Great Britain ſhall make further proviſion therein; a writ, to iſſue under the great ſeal of the united kingdom, directed to the privy-council of Scotland, commanding them to cauſe ſixteen peers, who are to ſit in the houſe of lords, to be ſummoned to parliament; and forty-five members to be elected to ſit in the houſe of commons of the parliament of Great-Britain, according to the agreement in this treaty, in ſuch manner as by an act of this preſent ſeſſion of parliament of Scotland is, or ſhall be ſettled; which act is hereby declared to be as valid as if it were a part of, and inſerted in this treaty: And that the names of the perſons ſo ſummoned and elected, ſhall be returned by the privy-council of Scotland, into the court from whence the ſaid writ did iſſue. And that if her majeſty, on or before the firſt day of May next, on which day the union is to take place, ſhall declare under the great-ſeal of England, that it is expedient that the lords of parliament of England, and commons of the preſent parliament of England, ſhould be the members of the reſpective houſes of the firſt parliament of Great-Britain, for and on the part of England, then the ſaid lords of parliament of England, and commons of the preſent parliament of England ſhall be the members of the reſpective houſes of the firſt parliament of Great-Britain, for and on the part of England. And her majeſty may, by her royal proclamation, under the great-ſeal of Great-Britain, appoint the ſaid firſt parliament of Great-Britain, to meet at ſuch time and place as her majeſty ſhall think fit; which time ſhall

manded his troops to march; and they made ſuch expedition, 1706.
that on the 22d of May N. S. being the day before the
battle,

ſhall not be leſs than fifty days after the date of ſuch proclamation: and, the time and place of the meeting of ſuch parliament being ſo appointed, a writ ſhall be immediately iſſued under the great-ſeal of Great-Britain, directed to the privy-council of Scotland, for the ſummoning the ſixteen peers, and for electing forty-five members, by whom Scotland is to be repreſented in the parliament of Great-Britain: and the lords of parliament of England, and the ſixteen peers of Scotland, ſuch ſixteen peers being ſummoned and returned in the manner agreed in this treaty; and the members of the houſe of commons of the ſaid parliament of England, and the forty-five members for Scotland, ſuch forty-five members being elected and returned in the manner agreed in this treaty, ſhall aſſemble and meet reſpectively in their reſpective houſes of the parliament of Great-Britain, at ſuch time and place as ſhall be ſo appointed by her majeſty, and ſhall be the two houſes of the firſt parliament of Great-Britain; and that parliament may continue for ſuch time only, as the preſent parliament of England might have continued, if the union of the two kingdoms had not been made, unleſs ſooner diſſolved by her majeſty. And that every one of the lords of parliament of Great-Britain, and every member of the houſe of commons of the parliament of Great-Britain, in the firſt, and all ſucceeding parliaments of Great-Britain, until the parliament of Great-Britain ſhall otherways direct, ſhall take the reſpective oaths appointed to be taken, inſtead of the oaths of allegiance and ſupremacy, by an act of parliament made in England, in the firſt year of the reign of the late king William and queen Mary, intitled, An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths; and make, ſubſcribe, and audibly repeat the declaration mentioned in an act of parliament made in England, in the thirtieth year of the reign of king Charles II. intitled, An act for the more effectual preſerving the king's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament; and ſhall take and ſubſcribe the oath mentioned in an act of parliament made in England, in the firſt year of her majeſty's reign, intitled, An act to declare the alterations in the oath appointed to be taken by the act, intitled, An act for the further ſecurity of her majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line, and for extinguiſhing the hopes of the pretended prince of Wales, and all other pretenders, and their open and ſecret abettors; and for the declaring the aſſociation to be determined at ſuch time and in ſuch manner as the members of both houſes of parliament of England are, by the ſaid reſpective acts, directed to take, make and ſubſcribe the ſame,

1706. battle, they came up within a league of the rear of the confederate army.

About

upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, This realm, The crown of this realm, and The queen of this realm, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great-Britain; and that, in that sense, the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great-Britain.

XXIII. That the aforesaid sixteen peers of Scotland, mentioned in the last preceding article, to sit in the house of lords of the parliament of Great-Britain, shall have all privileges of parliament, which the peers of England now have, and which they, or any peers of Great-Britain, shall have after the union, and particularly the right of sitting upon the trials of peers: And in case of the trial of any peer, in time of adjournment, or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of Great-Britain; and that, in case any trials of peers shall hereafter happen, when there is no parliament in being, the sixteen peers of Scotland who sat in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other peers of Great-Britain: And that all peers of Scotland, and their successors to their honours and dignities, shall, from and after the union, be peers of Great-Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England at the time of the union; and before all peers of Great-Britain, of the like orders and degrees who may be created after the union, and shall be tried as peers of Great-Britain, and shall enjoy all privileges of peers, as fully as the peers of England do now, or as they, or any other peers of Great-Britain, may hereafter enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

XXIV. That, from and after the union, there be one great-seal for the united kingdom of Great-Britain, which shall be different from the great-seal now used in either kingdom; and that the quartering the arms and the rank and precedency of the lion, king of arms of the kingdom of Scotland, as may best suit the union, be left to her majesty: And that, in the mean time, the great-seal of England be used as the great-seal of the united kingdom; and that the great-seal of the united kingdom be used for sealing writs to elect, and summon the parliament of Great-Britain, and for sealing all treaties

About the ſame time, the French having been joined by the horſe of marſhal de Marſin's army, and confiding in their ſuperiority of numbers, came out of their lines, and incamped between Tirlemont and Judoigne. 1706.

The next day, being Whitſunday, about four o'clock in the morning, the confederate army marched in eight columns towards Ramillies, a village, near which the Gheet takes its ſource, that they might avoid the inconveniency of paſſing that river (a). They ſoon had information, that the enemy's The battle of Ramillies.

ties with foreign princes and ſtates, and all public acts, inſtruments, and orders of ſtate, which concern the whole united kingdom, and in all other matters relating to England, as the great ſeal of England is now uſed; and that a ſeal in Scotland, after the union, be always kept and made uſe of in all things relating to private rights or grants, which have uſually paſſed the great-ſeal of Scotland, and which only concern offices, grants, commiſſions, and private rights within that kingdom; and that, until ſuch ſeal be appointed by her majeſty, the preſent great-ſeal of Scotland ſhall be uſed for ſuch purpoſes; and that the privy-ſeal, ſignet, caſſet, ſignet of the juſticiary-court, quarter-ſeal, and ſeals of courts now uſed in Scotland be continued: but that the ſaid ſeals be altered and adapted to the ſtate of the union, as her majeſty ſhall think fit; and the ſaid ſeals, and all of them, and the keepers of them, ſhall be ſubject to ſuch regulations, as the parliament of Great-Britain ſhall hereafter make. And that the crown, ſcepter, and ſword of ſtate, the records of parliament, and all other records, rolls, and regiſters whatſoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called Scotland; and that they ſhall ſo remain in all time coming, notwithſtanding of the union.

XXV. That all laws and ſtatutes in either kingdom, ſo far as they are contrary to, or inconſiſtent with, the terms of theſe articles, or any of them, ſhall, from and after the union, ceaſe and become void, and ſhall be ſo declared to be by the reſpective parliaments of the ſaid kingdoms.

(a) Ramillies is a village (ſurrounded with a ditch) in Brabant, in the diſtrict of Louvain, by the ſkirts of the province of Namur, rendered famous to all poſterity by the glorious victory obtained there by the duke of Marlborough and monſieur d'Auverquerque, over the elector of Bavaria and marſhal Villeroy, which was followed by the reduction of almoſt all the Netherlands in two months time. It lies at the head of the Gheet about a mile and half north from the ſide of the Mehaigne, that interval being the narrow aperture where that glorious battle was fought. It is ſix miles almoſt ſouth from Judoigne, twelve miles ſouth from Tirlemont, fourteen miles weſt-north-weſt from Huy, and eleven miles north from Namur.

1705. enemy's army, having decamped from Tirlemont, was likewise on their march to meet them, their baggage and heavy cannon being left at Judoigne. The elector of Bavaria and marshal de Villeroy, not in the least suspecting that the Danes had joined the confederate army, were fully determined upon engaging them, either that day or the next, being apprehensive, that the duke of Marlborough had formed a design of investing Namur. The enemy's army then consisted of seventy-six battalions of foot, and a hundred and thirty-two squadrons of horse, having sixty-two cannon, eleven mortars, and thirty-six pontoons. Their immediate design was to possess themselves of Ramillies, and the strong camp thereabouts, to prevent the confederates doing the same; and in this they so far succeeded, that, being nearer, they got there first. Their fears were however groundless concerning Namur; for the duke of Marlborough had no such design. His resolution was the same with theirs; and, had not they offered him battle that day, he would certainly have attacked them the next. The two armies met near the village of Ramillies, from whence the battle took its name. When the confederate army was advanced near this place, they found the enemy getting into the camp of mount St. Andre, and placing their right on the Mehaigne, where they had posted a brigade of foot, and filled the space between that and Ramillies, which is about half a league, an open and level ground, with near a hundred squadrons, among which were the troops of the king's household. They had likewise above twenty battalions of foot, with a battery of about twelve pieces of cannon, at Ramillies.

About one in the morning, the duke of Marlborough sent the quarter-master-general with the camp-colours, and a few squadrons towards Ramillies, to make a feint, as if they designed to form a camp there, the better to penetrate into the enemy's designs; and, about three, the duke and monsieur Auverquerque decamped with the whole army, and advanced in eight columns in a great fog. A little after eight, the advanced guard of the confederates, which consisted of six hundred horse, and had been sent with all the quarter-masters of the army, to view the ground, arrived at the height of Merdorp (or Merdan) from whence they perceived, that the enemy were in motion, and marched in the plain of Mount St. Andre, extending themselves as far as the tomb of Hottomont, towards the Mehaigne. Hereupon they halted, and sent intelligence to the duke of Marlborough

Marlborough and monſieur Auverquerque, who being advanced about ten to view the enemy, they could not at firſt judge, whether thoſe ſquadrons they ſaw were only to cover their march into their lines, or whether they were the van of the enemy, that came to offer battle. The duke therefore gave orders to the horſe to haſten their march, reſolving, if thoſe he ſaw had been only covering ſquadrons, to attack them with his cavalry only. But, the fog being ſoon after diſperſed, and the army being then in full view of the enemy, the duke found their whole army approach, with an apparent reſolution to fight, upon which he made all the neceſſary diſpoſitions to receive them. The enemy, ſeeing the confederates ſo near them, poſſeſſed themſelves of a very ſtrong camp; placing their right near the tomb of Hottomont, againſt the Mehaigne, and their left at Anderkirk, and poſted a good number of their infantry in their villages of Anderkirk, Oſſuz, and Ramillies, which laſt was near their center; beſides which, they put five battalions near the hedges of the village of Franquenies, which was on their right. The confederate army was at the ſame time drawn up in order of battle, the right wing being poſted near Foltz, on the rivulet Yauſe, with a little moraſs in front; and the left near the village of Franquenies on the Mehaigne; where, beſides the number of the horſe belonging to that wing, the duke of Marlborough ordered the Daniſh ſquadrons, being twenty-one in number, to be poſted; rightly judging, by the ſituation of the ground, that the ſtreſs of the action would be on that ſide. All things being thus diſpoſed, it was reſolved to attack the village of Ramillies, which was the enemy's principal poſt, and who, from thence to Anderkirk, had formed a line of foot along the Gheet, and a line of horſe behind them. In order to this attempt, twenty pieces of cannon of twenty-four pounders, and ſome hawbitzers, were brought up; and twelve battalions, which were to be ſupported by the whole line, were ordered to make the firſt onſet, under the command of lieutenant-general Schultz. 1706.

About half an hour paſt one, the artillery of the confederates began to play. It was immediately anſwered by the enemy's cannon; and both continued firing with conſiderable execution. Whilſt the duke of Marlborough was at the head of the lines, to give the neceſſary orders every where, velt-marſhal Auverquerque repaired to the left, where perceiving, that the enemy's foot poſted in the hedges of Franquenies, galled the horſe of that wing, he com-

1706. manded four battalions, with two pieces of cannon under colonel Wertmuller, to diſlodge them from thence, which they performed with great vigour and reſolution. Hereupon the enemy detached two battalions and fourteen ſquadrons of dragoons, on foot, to regain that important poſt; but Auverquerque commanded, at the ſame time, the whole wing of the Dutch horſe, to attack the enemy; which not only prevented their deſign, but put thoſe dragoons into ſuch diſorder, that they were not able, either to reach the village, or recover their horſes, which they had left a good way behind the tomb of Hottomont, and ſo were moſt of them cut in pieces, and taken priſoners. The Dutch cavalry charged with a good deal of bravery, ſword in hand, and ſoon after the engagement were ſuſtained by the Daniſh ſquadrons; but having to deal with the French king's houſhold, the muſquetaires, gens d'armes, guarde de corps, horſe-grenadiers, and other choice troops which were in the enemy's right, the conflict was obſtinate, and the ſucceſs doubtful for above an hour. The Daniſh horſe, which fought on the left of all, behaved themſelves with ſuch gallantry, that they forced the enemy to give ground, and broke ſeveral of their ſquadrons; but, at the ſame time, the French had almoſt an equal advantage againſt the Dutch horſe of the right of the left wing, whom they put into great confuſion. To remedy this, the duke of Marlborough, who was advanced that way, ſent for twenty ſquadrons of horſe from the right wing, where they could not engage the enemy's left, by reaſon of a moraſs, which ſeparated them; and with theſe he reinforced his left, adding to them his body of reſerve (a).

The

(a) The French writers, who have given a deſcription of this battle, allow of this as a very prudent part of the duke of Marlborough's conduct; but, to cover the diſgrace of their favourite troops, pretend, that the duke ſent fifty, and not twenty ſquadrons from his right, and made four lines of them, beſides a column compoſed of the body of reſerve. 'Thus, ſays father Daniel, the whole 'weight of the battle fell upon 'the right wing of the French 'army, where the troops of 'his majeſty's houſhold were 'placed. The body, which 'had hitherto been invincible, 'entered the enemy's troops, 'and overthrew the three firſt 'lines; but, finding a fourth, 'and the column above-mentioned, which was moving 'to fall upon them in flank, 'they were obliged to give 'way, and retire to rally behind the troops, which followed them, and who, inſtead of ſuſtaining them, re-

'treated

The duke, while theſe troops were advancing from the right, rallied ſome of the broken ſquadrons, and gave his orders for others to charge. In this place he was in the extremity of danger; for, being ſingled out by ſeveral of the moſt reſolute of the enemy, and having the misfortune, as he was leaping a ditch, to fall from his horſe (a), he had been either killed or taken priſoner, if ſome of the confederate foot, that were near at hand, had not come very ſeaſonably to his aſſiſtance. After this, he had ſtill a narrower eſcape; a cannon-ball taking off the head of colonel Brienfield, his gentleman of the horſe, as he was holding the ſtirrup for the duke to remount. 1705.

The twenty ſquadrons, which the duke had ſent for from the right to reinforce the left, had but little ſhare in the defeat of the enemy's right; for, by that time they were come up, the Dutch and Danes, having charged them both in front and flank, had almoſt compleated that ſignal piece of ſervice, cutting in pieces the beſt part of the French king's houſhold troops, ſo that they could never be fully re-eſtabliſhed during the remainder of the war. In the mean time, the village of Ramillies was vigorouſly attacked by general Schultz, with the twelve battalions under him. The enemy, having the advantage of the ground, defended themſelves with great reſolution and obſtinacy, till, ſeeing the whole line of the confederate infantry in motion to ſupport general Schultz, and the Dutch and Daniſh horſe advancing to ſurround them, they thought of making their retreat; but found it was too late; for they were intercepted by the victorious horſe, and moſt of them either killed or taken priſoners.

The

'treated without coming to the 'battle. Matters being in this 'ill ſituation, the left wing of 'the French, which had not 'been able to engage by rea'ſon of the moraſs, which lay 'between them and the enemy, 'drew up in order upon a riſing 'ground, as was well judged 'by the marquis de Meſiers 'lieutenant-general, and ſtop'ped the progreſs of the enemy's 'horſe, which preſſed the 'houſhold troops very cloſely, 'and, by this means, gave 'them an opportunity to rally, 'and make their retreat in good 'order. The moſt part of the 'troops diſbanded themſelves 'before the retreat; and this 'cauſed the diſorders which 'followed; for we had not 'above three or four thouſand 'men ſlain in the battle.'

(a) Some officers, who were in the engagement, ſaid, the duke was borne down by ſome of the diſordered Dutch horſe. Poſſibly both may be true.

1706. The reſt of the enemy's infantry endeavoured likewiſe to make their eſcape, which they did in better order, being favoured by the horſe of their left wing, who, being covered by a rivulet and moraſs, had not yet been attacked, and formed themſelves in three lines between Oſſuz and Anderkirk. But the Engliſh horſe, having found means to paſs the rivulet, charged the enemy with ſuch unparalleled briſkneſs and courage, that they intirely abandoned their foot; and our dragoons, puſhing into the village of Anderkirk, made a terrible ſlaughter of them. The reſt of the enemy, who were at the ſame time attacked by the Engliſh and Dutch foot with equal bravery, gave way on all ſides. Their horſe rallied again in the plains, to cover the diſorderly retreat of their foot; but they were ſo cloſely purſued by the confederate cavalry, that they were forced to divide themſelves into three ſmall bodies, that they might fly the better three different ways. Thoſe that took to the left, were purſued by the Dutch and Danes, who made great ſlaughter amongſt them, and took abundance of priſoners; and thoſe that fled to the right, were chaced by the regiments of Lumley, Hay, and Roſs; which two laſt fell in with the foot regiment du Roy, of whom having killed many, the reſt threw down their arms, and begged quarter, which was immediately granted. Upon this, they delivered their arms and colours to the lord John Hay's dragoons; but, when theſe dragoons faced about, in order to purſue the enemy, they treacherouſly attempted to take up their arms again; in which, however, they were prevented, and ſuffered ſeverely for their perfidy.

The foremoſt regiments of the Engliſh horſe, that purſued the enemy's center, were that of lieutenant-general Wood, commanded by himſelf, and Wyndham's (afterwards Palmes's) carabineers, headed by major Perry. When they came upon a riſing ground, they ſaw ſeven ſquadrons of the Spaniſh and Bavarian guards, among whom was the elector himſelf, and Villeroy, who hoped, with theſe few choice troops, to make good their retreat, and ſave their cannon, which was marching in a line before them. General Wood galloped with his own regiment upon the enemy's left, and charged them ſo vigorouſly, that he broke them intirely, killing many of them, and taking not a few priſoners; among whom were two lieutenant-colonels, one major, four captains, and ſeveral ſubaltern officers. He alſo took the ſtandard of the elector's guards, two of his own troopers, and killed his kettle-drummer; the elector himſelf

and

and Villeroy very narrowly escaping. Major Perry, at the head of Wyndham's carabineers, fell upon the enemy with equal briskness and resolution; put many of them to the sword, and took several prisoners; particularly the major of the Spanish guards, monsieur de la Guertiere, and monsieur de Bruan, cornet of the same, besides four officers, and forty-six private men of the royal bombardiers, with their colours. The English horse and dragoons followed the chace through and by Judoigne, till two o'clock in the morning, as far as Meldert, being five leagues from the place, where the action happened, and two from Louvain. During this retreat, a misfortune happened to the enemy, which contributed not a little to complete the victory. Several waggons of their van-guard breaking down stopped the way; so that their baggage and artillery, which followed, could not pass; nor could their troops defile in good order. Perceiving, that the confederate horse, having got intelligence of this accident, pursued them close, they threw down their arms, that they might escape with the more ease, and retreated in the greatest confusion. Here it was, that the most prisoners were taken; for, in the action, little or no quarter was given, the confederate horse having been highly provoked by the idle gasconades of the French musquetaires and gens d'armes, of which they were very full when they came to the attack, but paid dearly for it in the sequel. In short, never was victory more complete; the confederates made themselves masters of all the enemy's cannon, except two or three, to the number of about fifty pieces; most of their baggage; about a hundred and twenty colours, or standards, and several pair of kettle-drums. The enemy's loss of men, according to the most general computation, amounted to eight thousand slain, and among them, prince Maximilian and prince Monbason; and about six thousand private soldiers, and near six hundred officers taken prisoners; which, with their deserters and wounded, made their loss not less than twenty thousand men (a). Some accounts make 1706.

(a) The duke of Marlborough said to bishop Burnet, the French army looked the best of any he had ever seen: but, that their officers did not do their part, nor shew the courage that had appeared among them on other occasions. And, when the bishop asked him the difference between the actions at Hochstedt, and at Ramillies, he said, 'The battle of Hochstedt lasted between seven and eight hours, and we lost above twelve thousand men; whereas the battle of Ramillies lasted not above two hours, and we lost not above two thousand five hundred men.' Vol. II. 451.

1706. make the number of deſerters ſo great, that ſcarce half of their army muſt have ever returned to their colours. The perſons of note among the priſoners were meſſieurs Palavicini and Miziere, major-generals; the marquis de Bar, brigadier-general of horſe; the marquis de Nonant, brigadier-general of foot; the marquis de la Baume, ſon of the marſhal de Tallard; monſieur de Montmorency, nephew to the late duke of Luxemburg; a nephew of lord Clare, and ſeveral others (1).

The

(1) The marquis de Feuquieres repreſents this battle as fatal to the two crowns, and obſerves, that this deciſive action was reſolved upon without any of thoſe inducements, by which a general ought to be conducted, when he determines to engage an enemy. He lays it down as a maxim with relation to battles, that a general ſhould never be diſpoſed, either to offer or receive battle, except in thoſe conjunctures, wherein the benefits, that will redound to his prince from a proſperous event, will be much greater than any diſadvantage he can poſſibly ſuſtain by a defeat. 'This firſt 'maxim, ſo inconteſtable in its 'own nature, and ſo neceſſary 'to be obſerved, was intirely 'diſregarded on this occaſion 'by marſhal de Villeroy. Not'withſtanding the fatal event 'of the battle of Hochſtedt, 'the war, that rekindled on 'the Rhine, was ſuſtained with 'equality. It was carried on 'to advantage in Italy, where 'the duke of Vendoſme, who 'oppoſed prince Eugene, gave 'monſieur de Feuillade an opportunity to form the ſiege of 'Turin. The duke of Berwick ſuſtained a very difficult 'war in Spain, after marſhal 'de Theſe had quitted the ſiege 'of Barcelona in ſo puſillanimous 'a manner. The confederate 'crowns therefore ſhould have 'only maintained a defenſive 'war in Flanders during this 'campaign, and for which we 'were effectually prepared by 'forming a new line along the 'Deule. Our reſolution therefore to open the campaign 'with a general action, the ſucceſs of which would have been 'but inconſiderable on our 'part, in that early ſeaſon, 'was a remarkable error in 'that general ſtate of affairs; 'and reſulted from a preſumptive vanity, and a perfect inattention to the general plan 'of the war. Marſhal de Villeroy was determined, without the leaſt reaſon, to open 'the campaign out of his lines. 'With this view he marched to 'Tirlemont; but he ſhould 'have thought this motion ſufficient, and he might poſſibly 'have had juſt inducements to 'make it. An army, which is 'only charged with a defenſive 'war in its lines, ought to be 'aſſembled ſooner than the 'enemy, in order to gain ſome 'days, at leaſt, for the conſumption of the forage near 'the lines; and, had we purſued this cautious conduct, it 'would have been difficult for

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The elector of Bavaria and marſhal de Villeroy, with the greateſt part of the broken remains of their army, continued

1706.

The confederates take poſſeſſion of Louvain.

'the enemy, to approach our 'lines; and their continuance 'in the adjacent country would 'have been deſtructive to their 'cavalry, and equipage. If 'marſhal de Villeroy had been 'content with his advance to 'Tirlemont, and had cauſed 'his army to conſume the fo'rage between his camp and 'their Deule, he might have 'effected the preſervation of 'the Netherlands, and the ſe'curity of his lines, without 'hazarding any engagement. 'But he thought this firſt march 'inſufficient, though it might 'have produced a very judici'ous effect; and inſtead of 'waiting for the elector of Ba'varia, with whom, in mere 'deference to his rank, he 'ought, at leaſt, to have acted 'in concert, he decamped from 'Tirlemont, and advanced to 'Ramillies, without acquiring 'any intelligence of the mo'tions formed by the enemy, 'who were then aſſembled near 'Tongres. When the van of 'his march began to appear at 'the head of the Little Gheet, 'where Ramillies is ſeated, he 'was informed, that the enemy 'were advancing to him, and 'that their front already began 'to be diſcovered. He then 'prepared to form his troops 'in order of battle, with a full 'perſuaſion, that the enemy 'would not preſume to attack 'ſo formidable an army as his. 'Had his diſpoſition been re'gular, the bravery of his troops 'might have rendered the ac'tion ſucceſsful; but it was ſo 'extremely injudicious and ill-'precautioned againſt the order 'in which he ſaw the enemy 'ranged, that it can be hardly 'thought ſurpriſing, that the 'event of this battle was ſo 'fatal, as it really proved. I 'ſhall now repreſent the errors 'committed by marſhal de Vil'leroy with reſpect to his par'ticular diſpoſition, which I 'ſhall deſcribe from the left of 'the army, and through the 'extent of the line to the ex'tremity of the right. I ſhall 'then proceed to the ſecond 'line; and from thence to the 'rear, to make it evident, that 'the diſpoſition was every 'where irregular, and contrary 'to all juſt rules. The left 'wing of the cavalry was co'vered by the Gheet, and the 'marſhes that bounded it; and 'where the troops could neither 'charge the enemy, nor be 'charged by them; and conſe'quently they continued uſeleſs 'during the engagement. The 'village of Ramillies, which 'was ſeated in a plain beyond 'the ſource of the Gheet, 'fronted the right of the 'infantry, and marſhal de Vil'leroy had poſted ſome battalions there; but the village 'was too diſtant from our line, 'to be ſupported to any effect, 'when it ſhould happen to be 'attacked by the enemy. We 'even neglected to open the 'hedges towards the line, in 'order to advance with a more 'extended front, in caſe it 'ſhould be neceſſary to ſupport 'the infantry in the village,

1706. tinued their precipitate flight till they reached Louvain; where having held (by torch-light, in the market-place) a council

'who had not the precaution 'to accommodate that place, 'either to their front or flanks, 'nor even to form a communication between their ſeveral 'battalions, ſo that they were 'only poſted in the incloſures 'and gardens. But the moſt 'extraordinary circumſtance of 'all was, that, in order to de'fend the village, which, it was 'imagined, would coſt the ene'my very dear to ſurprize, 'though it was too remote from 'the line, to produce any ſuch 'effect; we poſted there all the 'uſeleſs infantry of the army, 'compoſed, for the greateſt 'part, of foreign battalions and 'recruits, and even priſoners 'taken from the enemy. When 'the village therefore was at'tacked, the aſſailants only 'engaged a ſet of inconſidera'ble troops, who were ill diſ'poſed, and not ſupported ei'ther in time, or from any ſitu'ation near enough to have any 'effect; and the village was 'forced by an attack upon the 'flanks, which were intirely 'unprotected. The diſpoſition 'of our right was ſtill worſe 'than that of our left of the 'center. The village of Ha'niers, on the bank of the Me'haigne, ought to have ſup'ported our right, and reſerved 'a conſiderable body of infantry 'to guard it; but marſhal de 'Villeroy contented himſelf at 'firſt with detaching a regiment 'of dragoons thither, who 'were very ſeverely treated by 'the enemy's infantry; and he 'afterwards ſupplied it with a 'brigade and four battalions, 'who were overwhelmed by 'the ſuperior fire of the enemy's 'infantry, who were already 'maſters of the village. I ſhall 'add to all this inconſiderate 'diſpoſition of the front a par'ticular neglect, which contri'buted likewiſe to the loſs of 'the battle. I have already 'obſerved, that marſhal de 'Villeroy received intelligence 'in the morning, that the ene'my were advancing towards 'him; and yet, in all the courſe 'of time he then had to diſengage 'his troops from the impedi'ments of their baggage, he 'never thought of that pre'caution; ſo that the greateſt 'part of it was heaped up be'tween the two lines, and em'barraſſed their motions, eſpe'cially to the right, where the 'action was ſuſtained. Such 'were the principal defects in 'our diſpoſition; and they 'were all ſo very conſiderable 'and eſſential, that one alone 'would have been ſufficient to 'have loſt us the battle. The 'enemy, who were ſenſible of 'our injudicious arrangement, 'were above five hours in 'changing their order of battle, 'in order to form another, that 'might be more advantageous 'to them in that conjuncture. 'In all that length of time our 'troops continued under arms, 'without forming any motion; 'and whatever inſtances could 'poſſibly be made to marſhal 'de Villeroy to adjuſt his order 'of battle by that which he ſaw 'the enemy forming in order

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council of war, they reſolved to abandon that place, and retire towards Bruſſels. On the other hand, the confederates, 1706.

' to attack us, it was impoſſible
' to prevail upon him to vary his
' firſt diſpoſition. Our whole
' army beheld the enemy un-
' guarding their right, becauſe
' it would have been in vain for
' them to have attacked our
' left, which was covered by
' the Gheet. The lieutenant-
' general, who commanded on
' the left, ſent frequent intelli-
' gence to marſhal de Villeroy
' of the enemy's motions, which
' he had obſerved, and propoſed
' to him, not to leave any more
' cavalry on the left, than would
' be proportionable to what the
' enemy reſerved at their right,
' and to double the reſt behind
' the left. But monſieur de Gaſ-
' ſion recommended this ſalu-
' tary and judicious advice in
' vain. It was likewiſe obſerv-
' ed, that the enemy ſtill drew
' off part of their infantry
' from their right, and formed
' ſeveral lines before the village
' of Ramillies, and the right of
' our infantry; and we might
' naturally imagine they intend-
' ed to make a powerful effort
' againſt that village, and the
' right of our infantry. But
' whatever remonſtrances could
' be made to marſhal de Ville-
' roy, to induce him to ap-
' proach the village, and dou-
' ble part of the infantry of the
' left behind that of the right
' and center, as he ſaw per-
' formed by the enemy, he con-
' tinued inflexible, tho' he had
' all imaginable reaſon to con-
' form the diſpoſition for his
' defence to the enemy's prepa-
' rations for attacking him. It
' was likewiſe obſerved, that
' the enemy drew off a body of
' infantry from their ſecond
' line, and marched them to
' Taniers; and it was repre-
' ſented, though ineffectually,
' to marſhal de Villeroy, that
' the enemy poured all their
' force to their left, and that it
' would be impoſſible for our
' right to ſuſtain ſo formidable
' an effort; but no conſidera-
' tion could induce him to act
' conſiſtently with the enemy.
' In fine, when above five hours
' had been employed by the
' enemy in forming the diſpo-
' ſition I have deſcribed; while
' marſhal de Villeroy, in all
' that length of time, never
' made the leaſt proviſion for
' inabling the right to ſupport
' the ſhock with which they
' were threatened, the enemy
' attacked the village of Tani-
' ers; and, when they had
' intirely carried it, and im-
' proved it to ſupport their left,
' they advanced in four lines to
' our right wing of cavalry,
' and in ſeveral lines and co-
' lumns to our infantry, who
' were poſted in the village of
' Ramillies. As they approach-
' ed our right, they advanced
' their ſecond and fourth lines
' into the intervals of their firſt
' and ſecond lines; ſo, that
' when they made their advance
' upon us, they formed only
' one front, without any inter-
' mediate ſpaces. This motion
' was performed ſo near us, that
' our right had no time either
' to cloſe themſelves, in order to
' fill their intervals by that con-
traction,

1706. rates, having halted at Beveſheim the 24th of May, for the refreſhment of their troops, diſpoſed all things for their march early the next morning, in order to force the paſſage of the Deule; but received advice in the night, that the enemy had quitted their camp, and abandoned Louvain. Whereupon

'contraction, or to ſupply them 'with the ſecond line, which, 'beſides their immoderate diſ-'tance from the firſt line, were 'incapable of making that ad-'vance with freedom, on ac-'count of the ſeveral equipages, 'which, as I have already in-'timated, were left, thro' mere 'negligence, between the two 'lines. Our right therefore 'was charged by one contigu-'ous front, whoſe ſquadrons, 'that forced our intervals, pe-'netrated without oppoſition, 'and then wheeled about to 'charge the ſquadrons of our 'firſt line in the rear, who, 'though they had almoſt de-'feated all the ſquadrons that 'attacked them, were now 'thrown into a general diſorder 'by the ſquadrons of the ene-'my's ſecond line, and by thoſe 'who charged them in the rear. 'The enemy conducted the 'attack of the village differ-'ently from that of the cavalry 'on the right. They advanced 'to it in four columns; but, 'when they approached the 'front of that village, they were 'convinced, that our line of foot 'was too remote to protect it 'with their fire, and that the 'flank of the village was not 'guarded by troops, becauſe 'their number in that place 'was too inconſiderable. From 'this bad diſpoſition on our 'part they derived one, that 'was advantageous to them-'ſelves; for they advanced one 'of their laſt lines into the front 'of the firſt; and, when they 'were marching up to the vil-'lage, this front extended in 'an angle to the flank of that 'village, and eaſily forced it, 'while the other troops ſuſ-'tained the attack from the 'front of that place. All this 'diſorder of our right was not 'to be retrieved, either by the 'preſence of the general him-'ſelf, or the ſeveral general 'officers in that quarter. The 'bravery, both of officers and 'ſoldiers, was incapable of re-'inſtating an action, that was 'loſt by a bad diſpoſition; ſo 'that a general confuſion was 'communicated through all our 'right, who abandoned the 'field of battle and their can-'non. The left of the cavalry, 'and ſome battalions of the 'left, who had not ſhared the 'engagement, retired without 'any moleſtation, till the ap-'proach of night, when the 'flight and diſorder became 'univerſal.

'Thus did the enemy, in the 'ſpace of one quarter of an 'hour, defeat an army of 'eighty thouſand men, while 'their own loſs did not amount 'to two thouſand. They took 'eighty pieces of cannon, and 'a prodigious quantity of bag-'gage; and conquered all the 'Spaniſh Netherlands, which 'our general had abandoned.'

Whereupon bridges being laid over that river, a detachment of five hundred men was ſent to take poſſeſſion of the place, and the whole army paſſed the river the next day, about noon, and incamped at Bethlem (a.) 1706.

After the battle of Ramillies, there was nothing to be ſeen in the Low-Countries, but a general revolution; and the allies were attended with a continued courſe of conqueſt. The inhabitants of thoſe parts, weary of the French government, received the confederate generals every where as their deliverers, who had redeemed them from ſlavery, and recovered their ancient liberty. The cities of Louvain, Mechlin, and Bruſſels ſubmitted, beſides many leſſer places. Antwerp made a ſhew of ſtanding out, but ſoon followed the example of the reſt. Ghent and Bruges did the ſame. In all theſe king Charles was proclaimed. Upon this unexpected rapidity of ſucceſs, the duke of Marlborough went to the Hague on the 9th of June, to concert meaſures with the States; where he ſtaid but a few days, for they agreed to every thing he propoſed, and ſent him back with full powers. The firſt thing he undertook was the ſiege of Oſtend, a place famous for its long ſiege in the laſt age. The natives of the place were diſpoſed to return to the Auſtrian family; and the French, who were in it, had ſo loſt all heart and ſpirit, that they made not the reſiſtance, which was expected. In ten days after, the confederates ſat down before it, and within four days after the batteries were finiſhed the place capitulated (b.) From thence they proceeded to Menin, which was eſteemed the beſt finiſhed fortification in all thoſe parts. It was built after the peace of

Flanders and Brabant reduced.

Oſtend and Menin taken.

July 6.

(a) Louvain is a very large and pleaſant city of the Low-Countries: the French abandoned it May, 24th, 1706, the next day after the memorable battle of Ramillies, and the duke of Marlborough took poſſeſſion of it on the 25th. It ſtands on the river Deule, eleven miles ſouth-eaſt of Mechlin, fifteen north eaſt of Bruſſels, twenty-ſeven north of Namur, and thirty eight north-eaſt of Mons.

(b) Oſtend is a very ſtrong and fine ſea-port of the Low-Countries, in the earldom of Flanders, the marquiſate of the territory of Vlanden-Urien. It was inveſted by the confederates both by ſea and land, June 25, 1706, and obliged to ſurrender, July 6. It ſtands about nine miles northeaſt of Newport, eleven weſt of Bruges, twenty ſouth-weſt of Sluys, twenty-four north-eaſt of Dunkirk, and thirty-five almoſt weſt of Ghent.

1706. of Nimeguen; nothing, that art could contrive, was wanting to render it impregnable; and it was defended by a garriſon of ſix thouſand men; ſo that many thought it was too bold an undertaking to ſit down before it. The French army was become conſiderable by great detachments brought from the Upper Rhine, where marſhal Villars was ſo far ſuperior to the Germans, that if it had not been for this revulſion of his forces, the circles of Swabia and Franconia would have been much expoſed to pillage and contribution (a.)

Vendoſme commands in Flanders,

The duke of Vendoſme's conduct in Italy had ſo raiſed his character, that he was thought the only man fit to be at the head of the army in Flanders; and was accordingly ſent for, and had that command given him with a high compliment, which was very injurious to the other officers, ſince he was declared to be the ſingle man, on whom France could depend, and by whom it could be protected in that extremity. The ſiege of Menin was carried on ſo ſucceſsfully, that the trenches were opened on the 24th of July, and the batteries finiſhed on the 29th; and the place was ſo warmly preſſed, that it capitulated on the 11th of Auguſt, and on the 14th, being St. Louis's-day, four thouſand men marched out of the town. It ſeemed ſtrange, that a garriſon, which was ſtill ſo numerous, ſhould ſurrender in ſo ſhort a time a place, which was both ſo ſtrong and ſo well furniſhed. But as the French were much ſunk, ſo the allies were now become very expert at carrying on of ſieges, and ſpared no coſt, that was neceſſary for diſpatch. Dendermonde had been for ſome weeks under a blockade (b). This the duke of Marlborough ordered to be turned into a formal

Dendermonde and Aeth taken.

(a) Menin a town of the Low-Countries in the earldom of Flanders, one of the ſtrongeſt and moſt regular fortifications in Europe; notwithſtanding which (together with the vigorous reſiſtance of a numerous garriſon, and a reſolute commander) the confederates made themſelves maſters of it in eighteen days after the opening of the trenches. It ſtands on the river Lys, five miles ſouth-weſt of Courtray, nine almoſt north of Liſle, and twelve almoſt ſouth-eaſt of Ypres.

(b) Dendermonde, a ſtrong town of the Low-Countries, in the earldom of Flanders. It was blocked up by the confederates ſoon after the battle of Ramillies, and ſurrendered to the duke of Marlborough after a formal ſiege the beginning of Auguſt. It ſtands on the rivers Scheld and Dender, twelve miles eaſt of Ghent, fourteen ſouth-weſt of Antwerp, and ſeventeen north-weſt of Bruſſels.

mal ſiege. The place was ſo ſurrounded with water, that the French king, having once begun a ſiege there, was forced to raiſe it; yet it was now ſo preſſed, that the garriſon offered to capitulate; but the duke would give them no other terms, but thoſe of being priſoners of war, to which they were obliged to ſubmit. Aeth was next inveſted; it lay ſo inconveniently between Flanders and Brabant, that it was neceſſary to clear that communication, and deliver Bruſſels from the danger of that neighbourhood. In a fortnight's time it was alſo obliged to capitulate; and the garriſon were made priſoners of war (a). 1706.

During theſe ſieges, the duke of Vendoſme, having fixed himſelf in a camp that could not be forced, did not think fit to give the duke of Marlborough any diſturbance, while he lay with his army covering the ſieges. The French were jealous of the elector of Bavaria's heat, and though he deſired to command any army apart, yet it was not thought fit to divide their forces, though now grown to be very numerous. Deſerters ſaid, that the panic was ſtill ſo great in the army that there was no appearance of there venturing on any action. Paris itſelf was under no little conſternation; and, though the king carried his misfortunes with an appearance of calmneſs and compoſure, yet he was often let blood, which was thought an indication of a great commotion within; and this was, no doubt, the greater, becauſe it was ſo much diſguiſed. No news was talked of at that court; all was ſilent and ſolemn; ſo that even the ducheſs dowager of Orleans knew not the true ſtate of their affairs; which made her write to her aunt, the electreſs of Hanover, to learn news of her.

Whilſt theſe things paſſed in Flanders, the courts of Spain and France took ſuch early meaſures to attack king Charles both by ſea and land, before he could be relieved by the maritime powers, that his affairs were reduced to the laſt degree of deſpair. King Philip ſet out in February from Madrid, in order to open the campaign with the ſieges

Affairs of Spain and Portugal. Hiſt. of Europe. Burnet.

(a) Aeth a ſtrong frontier-town of the Low Countries, in the earldom of Hainault, the marquiſate of the territory of Brabant. The French took it in 1697, but reſtored it to the Spaniards the ſame year by the peace of Ryſwick: And the confederates (under the command of monſieur d'Auverquerque) took poſſeſſion of it the preſent campaign. It ſtands on the river Dender, fourteen miles almoſt north weſt of Mons, twenty-two almoſt ſouth-weſt of Bruſſels, and twenty-four ſouth of Ghent.

1706. ſieges of Valencia and Gironne. He was adviſed to begin with the reduction of Valencia; not only as it lay nearer, and was eaſier come at, but as, by that means, the diſpoſition to revolt would be checked, which might otherwiſe increaſe and ſpread farther. This advice, however, was over-ruled by France, where little regard was had to the Spaniards. It was therefore reſolved (upon the arrival of a courier from France) to begin with the ſiege of Barcelona. There king Charles himſelf lay; and, on taking it, all the reſt, it was reckoned, would fall. Purſuant to this ſcheme, the French reſolved to ſend every thing neceſſary for the ſiege, and the count of Toulouſe was ordered to lie with the fleet before the place, whilſt it was beſieged by land. It was concerted to begin the ſiege in March; for they knew, that, if they began it ſo early, our fleet could not come in time to relieve the town. But two great ſtorms, that came ſoon after one another, did ſo ſcatter their tartanes, and diſable their ſhips of war, that, as ſome were caſt away, and others much damaged, ſo they all loſt a month's time; and it was not till the 6th of April, that king Philip's army (conſiſting of thirty-ſeven battalions, and thirty-one ſquadrons) opened the trenches before Montjuic, which, through the obſtinate reſiſtance of the Engliſh and Dutch garriſon, and the ſlowneſs of the attack, occaſioned by the death of the French engineer Lapara, held out twenty-two days. The French ſeemed to think, there was no danger of raiſing the ſiege, and that therefore they might proceed as ſlowly as they pleaſed. The town was under ſuch a conſternation, that nothing but king Charles's preſence could have kept them from capitulating the firſt week of the ſiege. There were ſome mutinies raiſed, and ſome of the magiſtrates were killed in them. But the king came among them on all occaſions, and both quieted and animated them. After Montjuic was taken, the city was ſtill more preſſed. The earl of Peterborough came from Valencia, and was upon the hills, but could not give them any great aſſiſtance (a). Some few from Gironne and other places got

Barcelona is beſieged by the French and Spaniards.

(a) Dr. Friend, in his account of the earl of Peterborough's conduct in Spain, p. 53. obſerves, 'That the earl's conduct was as ſteady in the relief of Barcelona, as it was in the taking of it; and that in this, as in moſt of the events of the war, his lordſhip overcame all the obſtacles, that could be thrown in his way, by the miniſters of the Spaniſh court. As ſoon as his lordſhip perceived, that the enemy's deſign

got into the town. The French engineers (after Lapara's death) performed their part with little ſkill and ſucceſs. The Levant winds were all this while ſo ſtrong, that it was not poſſible for Sir John Leake, with the confederate fleet, to come up ſo ſoon as was deſired. Leake ſailed from Liſbon in the end of March. He very narrowly miſſed the Galleons, 1706.

'ſign was upon Barcelona, he 'ordered ſome of the troops in 'Lerida to march, and rein-'force that garriſon. The king, 'who was perſuaded, they 'would rather make an attempt 'upon Lerida, countermanded 'thoſe orders of my lord, and 'was ſo little apprehenſive of 'Barcelona's being in danger, 'though ſufficiently warned 'of it by letters from his lord-'ſhip, that, even when the ene-'my was within five leagues of 'the town, his majeſty had but 'five hundred men in it. My 'lord, in like manner, was ſo-'licited by the court to abandon 'Valencia, in order to ſecure 'Catalonia, and by the moſt 'preſſing letters and commands 'he was urged to ſuch raſh and 'impoſſible attempts, as muſt 'have proved the certain ruin 'of the forces under his com-'mand, and the loſs of the 'king's perſon. But, in all theſe 'diſtracting and deſperate caſes, 'his lordſhip not only took the 'proper reſolutions, but, with a 'prudence fortunate to himſelf 'as well as the public, never 'omitted to ſecure the unani-'mous conſent of all in coun-'cils of war, and gave in writ-'ing beforehand the reaſons, 'which never failed of being 'juſtified by the events. Whilſt 'Barcelona was incompaſſed 'by land and ſea (after the loſs 'of fort Montjuic) his lordſhip 'found methods to fling five 'hundred men into the town, 'which was thought humanly 'impoſſible. And he brought 'the forces which ſo much con-'tributed to the relief of the 'city, without abandoning Va-'lencia, or any foot of ground, 'that he had gained in Spain. 'He maintained his poſt upon 'the hills for near a fortnight, 'with about two thouſand five 'hundred men, never above a 'league or two from the ene-'my, whom he kept in per-'petual alarms. And by the 'conſtant vigilance he uſed, 'and the exact intelligences he 'procured, he continued in the 'neighbourhood of ſuch an 'army to the laſt, till he made 'a march of about ſeven 'leagues, with ſo critical a diſ-'poſition, that all his foot came 'in a fleet of boats he had pre-'pared, to the number of three 'or four hundred, and landed 'at the ſame time with the 'troops that were on board 'the navy. The throwing in 'of ſo ſeaſonable a reinforce-'ment into Barcelona, under 'ſuch circumſtances, was as 'great a diſgrace, as happened 'to the French, except that of 'their riſing from before the 'town immediately after. For 'the garriſon even with this 'addition, was not ſtronger, 'than when my lord Peterbo-'rough took it with little more

1706. Galleons, but he could not purſue them, for he was to loſe no time, but haſte to Barcelona. His fleet was increaſed to thirty ſhips of the line, by the time he got to Gibraltar; but, though twenty more were following him, he would not ſtay, but haſted on to the relief of the place, as faſt as the wind ſerved. But when their ſtrength, as well as patience, was almoſt quite exhauſted, the wind turned, and Leake arrived on

' than a third part of their
' army. In order to ſecure this
' great advantage, when it
' ſhould happen, the earl of
' Peterborough, notwithſtand-
' ing all the haſte he made from
' Valencia to Barcelona, had
' viſited, fortified, and ſecured
' all the paſſes behind him, ſo
' as to oblige (with an incon-
' ſiderable number of regular
' troops, and the country peo-
' ple) the whole army of mar-
' ſhal de Theſſe intirely to a-
' bandon Spain, into which, had
' my lord's advice been follow-
' ed, they had never to this
' day returned.'

In oppoſition to this account of Dr. Friend, the author of the Impartial inquiry into the management of the war in Spain, p. 81, obſerves, That, however the doctor boaſts of the earl of Peterborough's intelligence, yet it does not appear, from his orders or letters of that date, that he was under any apprehenſions for Barcelona, on the 19th of March 1705-6, O. S. tho' the enemy inveſted it within three days after; the earl's orders being for the fleet and forces to come to Altea or Denia; though, before the admiral received thoſe orders, he received letters from the king of Spain and prince Lichtenſtein, of the 26th of March, of a very different import; wherein the admiral is deſired to come to Barcelona with all poſſible diligence with the ſhips, troops, and money, which the queen of Great-Britain deſigned for king Charles's ſervice and the relief of Catalonia. But, by the 7th of April, N. S. the earl's eyes ſeem likewiſe to have been opened; but the news appeared to have been a perfect ſurpriſe to him; for, in his letter to Sir John Leake from Valencia of that date, he talks of the relief of Barcelona as a matter deſperate, and would compound for the ſafety of the king's perſon. It appears likewiſe, that his lordſhip was ſtill of opinion, that all the forces, ammunition, and money, ſhould be landed at Denia, Altea, or the grove of Valencia; and his letter to Sir John Leake, of the 22d of April, ſhews, that he was even then of opinion, that the forces ſhould be landed no nearer than Tarragona, except a thouſand men to be put on board the men of war, in order to be thrown into Barcelona by ſea, if it ſhould be requiſite; ſo that it might juſtly be ſaid, that the admiral relieved Barcelona, if not contrary, at leaſt not purſuant, to the earl's method. It cannot indeed be denied, that his lordſhip had got ſome troops ready in ſmall embarkations off

of

on the 8th of May; N. S. As ſoon as the count de Toulouſe, who with his ſquadron had kept the city blocked up by ſea, had intelligence that Leake was near him, he ſailed back to Toulon. Marſhal de Theſſé, with king Philip, who was in the camp, but not once named in any action, continued three days before Barcelona, after their fleet ſailed away. They could then have no hopes of carrying it, unleſs a ſtorm at ſea had kept the confederate fleet at a diſtance. At laſt the ſiege was raiſed on the 12th of May, N. S. with great precipitation, and in much diſorder. Their camp was left well furniſhed, and the ſick and wounded could not be carried off. On the day of raiſing the ſiege, as the French army was marching off, the ſun was eclipſed, and it was total in thoſe parts. And though no weight is to be laid on ſuch things, yet the vulgar being apt to look on them as ominous, 1706. The ſiege is raiſed.

of Vineros or Mattero, to take the opportunity of ſlipping them into the town under the protection of the fleet; and that he came on board Sir John Leake from the ſame place, and hoiſted his union-flag at the main top-maſt-head; but all the meaſures for the relief of Barcelona, had already been concerted, and in a manner executed. For Sir George Byng, Sir John Jennings, and admiral Waſſenaer, made ſail before the fleet, caſt anchor in the road, and by Sir George Byng's order a good body of forces were actually thrown into the town, before one half of the fleet knew that the earl of Peterborough was aboard, who indeed, upon his arrival at Barcelona, thought proper to approve of what Sir George Byng had directed. Upon the whole, the author of the Impartial inquiry concludes, 'that notwithſtanding 'Dr. Friend has 'attributed ſo great a ſhare of 'the relief of Barcelona to the 'earl of Peterborough; it is 'evident he knew nothing of 'the enemy's deſign upon that 'place three days before they 'had actually inveſted it; Five 'days after he knew the town 'was beſieged, his lordſhip was 'of opinion for landing all the 'ſuccours in the kingdom of 'Valencia; and twenty days 'after, no nearer than Tarra-'gona. Now to ſay nothing 'of the unparalleled diſpatch 'made by Sir John Leake and 'Sir George Byng, in bringing 'the fleet and ſuccours to the 'relief of Barcelona in ſo cri-'tical a time, contrary to my 'lord Peterborough's opinion; 'let any indifferent perſon judge 'whether that place had ever 'been taken, if his lordſhip's 'opinion in the fleet to deny 'the aſſiſtance of the ſeamen, 'and his haſte to be going into 'Italy, had been complied 'with; or, if it had ever been 'relieved, if his lordſhip's or-'ders had been obeyed, which 'were directly oppoſite to the 'king of Spain's intereſt and 'deſires.'

1706. nous, it was cenſured as a great error in marſhal Theſſé, not to have raiſed the ſiege a day ſooner; and that the rather, becauſe the French king had made the ſun, with a motto, *Nec pluribus impar*, his device. King Philip made all the haſte he could to Perpignan; but his army was almoſt intirely ruined before he got thither.

Alcantara taken. At the ſame time the campaign was opened in Catalonia, it was alſo begun on the ſide of Portugal. The earl of Galway had full powers, and an army of about twenty thouſand men, well furniſhed in all reſpects: he left Badajox behind him, and marched on to Alcantara. The duke of Berwick had a very ſmall force left him, to defend that frontier: it ſeems, the French truſted to the intereſt they had in the court of Portugal! The duke's troops were ſo bad, that he ſaw, in one ſmall action, that he could not depend on them; he put a good garriſon in Alcantara; where their beſt magazine was laid in. But, when the earl of Galway came before the town, within three days the garriſon, conſiſting of four thouſand men, delivered up the place, and themſelves as priſoners of war: the Portugueſe would have ſtopped there, and thought they had made a good campaign, though they had done no more: but the Engliſh ambaſſador at Liſbon went to the king of Portugal, and preſſed him, that orders might be immediately ſent to the earl of Galway to march on: and, when he ſaw great coldneſs in ſome of the miniſters, he threatened a preſent rupture, if it was not done: and he continued waiting on the king, till the orders were ſigned, and ſent away. Upon receipt of theſe, the earl of Galway advanced towards Placentia, all the country declaring for him, as ſoon as he appeared; and the duke of Berwick ſtill retiring before him, not being able to give the leaſt interruption to his march. But, as there was no manner of communication over land between Barcelona and Portugal, when the earl of Galway had forced a paſs at Maſſagona, where the enemy had intrenched themſelves, and was advanced as far as the bridge of Almaras, the Portugueſe, doubting the iſſue of the ſiege of Barcelona, unanimouſly reſolved to engage no farther, till they ſaw how that ſiege ended. Accordingly, they ordered their army to march aſide to Ciudad Roderigo, on pretence that it was neceſſary to ſecure their frontiers, by taking that place. From thence they advanced to Salamanca. But, upon the news of the raiſing the ſiege of Barcelona, they marched on towards Madrid, the duke of Berwick only obſerving their motions, and ſtill retiring before them. King Philip

went with great expedition, and a very ſmall train from Perpignan to Navarre; and from thence poſt to Madrid on the 6th of June; but finding that he had no army which he could truſt to, the grandees being now retired, and looking as ſo many dead men; and he ſeeing that the Portugueſe were ſtill advancing, ſent his queen to Burgos, and followed her in a few days, carrying with him what was valuable in his palace; and it ſeems, he deſpaired of ever returning thither again, ſince he deſtroyed all that he could not carry away; in which he acted a very extraordinary part, for he did ſome of this with his own hand, as was univerſally believed at Madrid *. 1706. King Philip comes to Madrid, and ſoon leaves it.

* Burnet.

The capital city being thus abandoned, the earl of Galway came to it by the end of June. He met with no reſiſtance indeed, but with as little welcome. An army of Portugueſe, with an heretic at their head, was certainly a very ſtrange ſight to the Caſtilians, who retained all the pride, without any of the courage of their anceſtors. They thought it below them, to make their ſubmiſſions to any but king Charles himſelf; and if he had come thither immediately, it was believed, that the intire reduction of Spain would have been ſoon effected. It is not certain what made him ſtay ſo long as he did at Barcelona, from the beginning of May till near the end of July (a). Thoſe about him pretended, The earl of Galway comes there, but king Charles delays too long his coming thither.

(a) The earl of Galway, in his narrative, obſerves, That, if the Portugueſe had marched directly to Madrid from the bridge of Almaras, after they had forced a paſs at Maſſagona, where the enemy had intrenched themſelves, as the generals of the allies would have perſuaded them, 'in all probability, ſays 'he, we ſhould have arrived 'there at the ſame time with 'the news of the duke of An'jou's being returned to France; 'the ducheſs muſt have been 'obliged to eſcape alone, and, 'the tribunals being ſtill there, 'it is very likely the war would 'have been over. Some of 'the Portugueſe were willing 'to go back, and beſiege Ba'dajox, which was intirely 'laying aſide all thoughts of 'Madrid; but others for attacking Ciudad Roderigo; 'and, by joining with thoſe, I 'engaged them, after the taking of that place, to go to 'Madrid. But the time which 'was loſt on this occaſion, had 'given the duke of Anjou an 'opportunity of returning from 'France to Madrid, from 'whence he withdrew the court, 'and all the tribunals, before 'the army could reach that 'place; ſo that, upon our arrival there, we found Madrid 'an open village; and the 'troops having been extremely 'weakened by ſo long a march, 'were not above four thouſand 'horſe, and eight or ten thouſand foot. The Portugueſe 'generals,

1706. pretended, that it was not fit to go to Madrid, till he was well furniſhed with money to make a decent entry. General Stanhope offered to furniſh him with what was neceſſary for the journey, but could not afford a magnificent equipage for

generals, and thoſe of the allies, thought it highly neceſſary the king of Spain ſhould come to Madrid as ſoon as poſſible. For, beſides the advantage his preſence might have been to his own affairs, it was of the laſt importance to us, to be immediately joined by the forces with the king, and under the earl of Peterborough's command, not being ſtrong enough without them to attack the duke of Anjou, who had already received ſome ſuccours from France, beſides the five thouſand five hundred horſe, and eight thouſand foot, of which the duke of Berwick's army conſiſted, after he had been joined by the Conde de las Torres. Being perfectly informed of the enemy's ſtrength and motions, and having great reaſons to believe, that if we were joined in time by all the forces with the king and the earl of Peterborough, we might, in this favourable conjuncture, drive the duke of Anjou intirely out of Spain, make ourſelves abſolute maſters of that kingdom, and put an end to an expenſive war; all the while we lay at Madrid and Guadalaxara, I diſpatched every day one or more expreſſes, and the greateſt part of them officers, with letters to the king of Spain and to my lord Peterborough, repreſenting to them both the importance of our being joined forthwith, and earneſtly deſiring that no time might be loſt in improving ſo critical a juncture. As the next beſt method to adviſe our friends of our arrival at Madrid, the firſt Gazette day after we got thither, I cauſed it to be publiſhed in the Gazette, that we were there, and expected in a very few days to be joined by the king and the earl of Peterborough, hoping, that the natural curioſity of the Spaniards would give a printed news-paper a free paſſage. But, notwithſtanding all the diligence that was uſed in this matter on our part, near ſix weeks were elapſed at Madrid, and Guadalaxara, before we received any advice, that the king was upon his march to join us; and, in the mean time, the duke of Anjou's army was ſo much increaſed by daily reinforcements from ſeveral parts, that he was now become ſuperior in number to us, even after we were joined by thoſe forces, which the king and my lord Peterborough brought along with them. And I muſt ſay, that it is the general opinion, and I do verily believe, as the Portugueſe loſt one fair opportunity of putting an end to the war, by not marching directly from the bridge of Almaras to Madrid; ſo we loſt another, for want of being joined in time by the forces under the command of the

for a ſolemn entry. The king wrote a very preſſing letter, 1706.
to the duke of Marlborough, repreſenting his great neceſſities, and deſiring greater ſupplies. The duke ſent over this letter to the lord-treaſurer; but little regard was had to it, becauſe

'the king of Spain and the earl of Peterborough. And whereas that noble lord is pleaſed to aver, that he never received any advice from me of my arrival at Madrid with the Portugueſe; and as an argument of my neglect of him on that ſubject, produces an inſtance of one officer, that happened to paſs through his quarters with letters from me to the king, and none for his lordſhip, I am obliged to obſerve, that I gave this officer an hundred piſtoles, and ordered him to go directly to the king of Spain, who then lay at Saragoſſa; but he was accidentally forced to go out of his way to avoid one of the enemy's parties, which was the true occaſion of his paſſing through the earl of Peterborough's quarters at Valencia, contrary to his firſt intention. But ſeveral other officers, who were diſpatched by me to the earl, aſſured me, they had the honour to deliver him thoſe letters, which I writ his lordſhip from Madrid and Guadalaxara. And, even taking the fact to be as the earl of Peterborough is pleaſed to ſtate it himſelf, it is plain his lordſhip had at leaſt ſome verbal informations from that very officer that paſſed through his lordſhip's quarters, and conſequently could not be altogether ignorant, either of the place where the Portugueſe army lay, or of the neceſſity of joining them without loſs of time. After the general had got king Charles proclaimed at Madrid, it was thought fit to advance to Guadalaxara, where we had at laſt advice, that the king was coming to join us; and, at the ſame time, were informed, that the duke of Anjou was at Guadalaxara, to which place we marched to prevent the enemy from intercepting the king. Upon our approach the duke of Anjou repaſſed the river; which little advantage we contented ourſelves with, for it was not thought adviſeable to follow and attack him on the other ſide, being advantageouſly poſted, and ſtronger than we. We ſtaid here two days, and, when we thought the king was out of danger, we again retired to Guadalaxara, where we were joined by his majeſty and my lord of Peterborough, with two regiments of Spaniſh dragoons, and part of Pierce's; for his lordſhip had left behind him, in ſeveral places, thirteen battalions of Pierce's, and two other intire regiments of dragoons. So ſoon as the armies were joined (having, upon my arrival at Madrid, ſent captain Montague to give the queen an account of our march, and to deſire her majeſty's leave to retire) I waited upon my lord Peterborough, offering him the command of

the

1706. becauſe it was ſuggeſted from many different hands, that the prince of Lichtenſtein was inriching himſelf, and keeping his king poor. Others pretended that the true cauſe of the delay was a ſecret amour of the king's at Barcelona. But

'the Engliſh, and to receive 'his orders, till I ſhould have 'the queen's leave to go home. 'But, becauſe the marquis das 'Minas would not do ſo too, 'my lord Peterborough choſe 'not to ſtay with the army, 'and within a few days after 'went away.' But let us ſee what the earl of Peterborough ſays on his part, in his anſwer to the ſecond queſtion propoſed to him by the houſe of lords on the 5th of January 1710-11, in theſe terms, That the earl of Peterborough may acquaint the houſe of what he knows of the earl of Galway's proceedings, during his ſtay with the army at Madrid, his march to Guadalaxara, and his retreat to Valencia; and, if he knows any thing of the oppoſition made by the king of Spain, the count de Noyelles, and the Spaniſh miniſters and generals, to thoſe meaſures?

To this the earl anſwered, 'That, from the time the earl 'of Galway came firſt into 'Spain as far as Almaras, and 'thence returned back into 'Portugal, the earl of Peter'borough had no advices from 'the earl of Galway, no ac'count of the motives of that 'retreat, or any hopes given 'him of the return of the Por'tugueſe into Spain. That, 'after the raiſing the ſiege of 'Barcelona, and the retreat of 'the French army out of Cata'lonia, the earl of Peterbo'rough received no letter or 'meſſage from the earl of Gal'way after his ſecond entrance 'into Spain, nor had the leaſt 'notice of his ſituation, cir'cumſtances, or deſigns, till 'he ſaw his troops retreating 'from the enemy to take the 'ſtrong camp of Guadalaxara; 'though the marches of the 'king from Arragon, and thoſe 'of the earl of Peterborough 'from Valencia, were well 'known in the Portugal camp. 'That two ſeveral officers, ſent 'by my lord Galway, came to 'Valencia, and brought no let'ters to the earl of Peterbo'rough, one of them demand'ing money for the purſuit of 'his journey. That, as to the 'perſons who adviſed the king 'to go by Arragon, and not 'by Valencia, he knows no 'farther (being at that time 'abſent from his majeſty) but 'that, having ever extremely 'oppoſed it, and having writ 'to the ſecretary of ſtate at his 'firſt coming to Valencia a'gainſt it, he received an an'ſwer to this purpoſe, That he 'hoped the earl of Peterbo'rough would bear the morti'fication and diſappointment 'with patience, ſince the king 'was ſo reſolved; and a meſ'ſenger by the appointed to'ken, known to be ſent by my 'lord Galway, had given no'tice, that the ſaid earl expect'ed the king by the way of 'Arragon, and had given to 'underſtand how every thing 'was prepared for his reception

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But whatever the cauſe was, the effects proved fatal. It was firſt propoſed, that he ſhould march through Valencia, as the neareſt and much the ſafeſt way; and he came on that deſign as far as Tarragona. But advice being brought him 1706.

'that way.' The third queſtion propoſed to the earl of Peterborough was in theſe terms: That the earl of Peterborough acquaint the houſe what advices his lordſhip received from the earl of Galway at Madrid, in order to concert any public meaſures? And what his lordſhip knows of the reaſons, that induced the king of Spain to go by Arragon towards Madrid, and not by Valencia? To which he anſwered, 'That the 'earl of Galway continued a-'bout forty days at Madrid, 'without making any endea-'vours to augment his troops, 'or provide any magazines for 'the ſubſiſtence of his army. 'That, meeting the enemy un-'expectedly, and retreating to 'the camp of Guadalaxara, the 'troops were without proviſi-'ons, and in the greateſt diſ-'order.' That the meaſures 'taken in that retreat, where 'five thouſand men were loſt 'without a blow, and their 'whole cavalry ruined, were all 'poſitively againſt the king's 'opinion, and that of all of-'ficers and miniſters. That the 'earl of Peterborough had the 'accounts he gives from the 'king of Spain's own mouth, 'and ſeveral of his generals; 'and it will particularly appear 'by letters from count Noy-'elles, velt-marſhal of the em-'peror, and general to the 'king of Spain, and from Mr. 'Stanhope; which letters the 'earl is ready to produce.' And 'that it is notorious to the 'whole world, that if the earl 'of Galway had purſued the 'enemy ten days longer to-'wards the Ebro, all the horſe 'under the marſhal of Berwick 'had deſerted to king Charles, 'and the French could never 'have returned to Spain.' The earl of Galway, in his reply, to the earl of Peterborough's anſwers to the five queſtions propoſed to him by the lords, ſpeaks thus: 'In his lordſhip's 'anſwer to the ſecond queſtion, 'he is pleaſed to aver, That 'from the time the earl of 'Galway came firſt into Spain 'as far as Almaras, and thence 'returned back into Portugal, 'the earl of Peterborough had 'no advices from the earl of 'Galway, no account of the 'motives of that retreat, or any 'hopes given him of the return 'of the Portugueſe into Spain. 'What his lordſhip ſays upon 'this occaſion is very true; 'for, whilſt he was at ſo great 'a diſtance beſieged in Barce-'lona, and the duke of Ber-'wick with a conſiderable body 'of horſe between him and us, 'it was to no purpoſe to think 'of ſending diſpatches by land: 'neither was it neceſſary to in-'form the enemy that way, 'that the Portugueſe were re-'ſolved, (notwithſtanding the 'repeated inſtances of the fo-'reign generals to the contrary) 'to return back again to their 'own country, after their army 'had advanced as far as the

bridge

1706. him there, that the kingdom of Arragon was in a good diſpoſition to declare for him, he was diverted from his firſt intentions, and prevailed on to go to Saragoſſa, where he was acknowledged by both kingdoms: but he loſt much time,

' bridge of Almaras. But, ' when we got to Madrid, I ' immediately ſent ſo many ex' preſſes with letters, both to ' the earl of Peterborough and ' the king of Spain, that it was ' morally impoſſible his lord' ſhip could have been ignorant ' above eight days of our arri' val there. And I have ſince ' been aſſured by the inhabi' tants of Barcelona, that they ' were all informed of it by ' that time; from whence I ' muſt conclude, that his lord' ſhip's delays in joining with ' us were voluntary, and not ' occaſioned by want of intelli' gence. I have aſſerted in the ' Narrative, which I delivered ' in to this moſt honourable ' houſe, that I do verily be' lieve, if the Portugueſe army ' had been joined in time, after ' their arrival at Madrid, by ' the forces with the king of ' Spain, and under the com' mand of the earl of Peterbo' rough, we might have been ' able to have driven the duke ' of Anjou out of Spain, and ' have put an end to an expen' ſive war. Nor was this my ' opinion only, but that of all ' the world at that time. And ' I find his lordſhip thinks it ſo ' far imports him to be clear ' of this imputation, that he is ' reſolved to be rid of it at any ' rate. For certainly nothing ' leſs than an apprehenſion of ' this nature could have made ' him aver a fact ſo improbable ' as that, where, in his farther ' anſwer to the ſame queſtion, ' he ſays, That he received no ' letter, no meſſage from the ' earl of Galway,—after his ' ſecond entrance into Spain; ' nor had the leaſt notice of his ' ſituation, circumſtances, or ' deſigns, till he ſaw his troops ' retreating from the enemy, to ' take the ſtrong camp of Gua' dalaxara. Now what could ' be the deſign of his lordſhip's ' marching to Guadalaxara ' with ſo ſmall a body of ' troops, as is mentioned in ' my narrative, unleſs he knew ' he was to meet us there? ' Beſides, his lordſhip forgets, ' that he came not to Guada' laxara, till ſome days after ' the Portugueſe had been ac' tually encamped there, as I ' can make appear by the oath ' of ſeveral officers; and con' ſequently it was impoſſible for ' him to have ſeen us retreating ' thither. I believe it may be ' neceſſary upon this occaſion ' to repeat, that when his lord' ſhip did join us, he brought ' no more Engliſh troops with ' him than one regiment of ' dragoons, and a detachment ' of another, though he had ' actually at that time under his ' command in Spain thirteen ' Engliſh battalions and four ' regiments of dragoons; as ' likewiſe, that the officer, who ' (his lordſhip ſays) paſſed thro' ' his quarters with letters for ' the king of Spain, and none ' for him, was never deſigned ' to have gone within ſeveral

time, and more in the reputation of his arms, by delaying so long to move towards Madrid; so that king Philip recovered his ſpirits, and returned from Burgos to Madrid. The earl of Galway was very uneaſy at this ſlow motion, which 1706.

' leagues of his lordſhip, unleſs ' he had been obliged to it by ' a party of the enemy, as I ' have already explained more ' at large in my Narrative. ' And I cannot help obſerving, ' it is very improbable, that ' that officer ſhould have had ' occaſion to apply to the earl's ' ſecretary for money, becauſe ' I gave him an hundred piſtoles at the time I diſpatched ' him. In his lordſhip's anſwer to the third queſtion, he ' is pleaſed to ſay, That the ' earl of Galway continued about forty days at Madrid, ' without making any endeavours to augment his troops, ' or provide any magazines for ' the ſubſiſtence of his army; ' that, meeting the enemy unexpectedly, and retreating to ' the camp of Guadalaxara, ' the troops were without proviſions, and in the greateſt ' diſorder. In reply to this ' paragraph, I do affirm, that ' the Portugueſe ſtaid no longer ' time at Madrid than was neceſſary to get the king proclaimed there, which did not ' exceed ten days; then advanced as far as Guadalaxara, ' and afterwards to Guadaraxa, ' about ſixty miles beyond Madrid, where we obliged part ' of the duke of Anjou's troops ' to repaſs the river, but were ' not willing to engage them ' at a time when we had reaſon ' to expect we ſhould have been ' joined in a very few days by ' the forces with the king of ' Spain and earl of Peterborough, which was the only ' ſecure method left us to augment our troops; for it would ' have been very imprudent to ' have attempted to form corps ' of the Caſtilians, who were ' intirely devoted to the duke ' of Anjou's intereſt. But all ' the officers of the army knew ' we were ſo far from wanting ' proviſions ourſelves, that we ' ſent a convoy of eight thouſand livres to meet the king ' and earl of Peterborough, ' which, by their delay in not ' advancing faſt enough, grew ' mouldy, and was afterwards ' pillaged by the peaſants. His ' lordſhip's information of our ' want of intelligence of the ' enemies motions, and of our ' diſorder upon the retreat, are ' as great miſtakes as the former; for the occaſion of our ' advancing to Guadaraxa, was ' purely to poſt ourſelves in ' ſuch a manner, as to prevent ' the enemy from marching or ' ſending detachments to intercept the king of Spain; and, ' when we had reaſon to believe ' him out of danger, we returned to Guadalaxara, there ' to be joined by the king and ' earl of Peterborough. Nor ' was it poſſible for his lordſhip ' to have ſeen our diſorder, had ' there been any, becauſe, as ' I have already obſerved, he ' came not to Guadalaxara ' himſelf, till ſome days after ' we had been incamped there. ' Notwithſtanding the earl of Peterborough

1706. which king Charles made. King Philip had ſome more troops ſent him from France; and, the broken bodies of his army being now brought together, he had an army equal in numbers to the earl of Galway, and marched up to him; but,

'Peterborough is pleaſed to ſay, That we loſt five thouſand men in the return to Valencia, without a blow, and intirely ruined our whole cavalry; it is certain, our loſs upon that occaſion was very inconſiderable, if any; and the retreat made in ſo good order, that the enemy (ſuperior as they were in number) never durſt venture to attack us, after the warm reception twenty-two of their ſquadrons met with from two battalions under the command of colonel Wade, in the town of Villa Nova, notwithſtanding we were obliged to croſs plains and rivers in their view. And though his lordſhip avers, in his anſwer to this queſtion, That this retreat was made againſt the king's opinion, and that of all his officers and miniſters, it is certain, the retreat was concerted and agreed upon in a council of war. It is true, ſome perſons about the king ſeemed at firſt inclinable to have taken quarters in Caſtile; but that was ſoon after found impracticable; for none of thoſe ſquadrons, who were beſt acquainted with the country, could make a diſpoſition of quarters, where the troops could be ſecure: and therefore it was reſolved immediately to croſs the Tagus, before the approaching rains ſhould have rendered the fords impracticable; which being done, our next deſign was to have lodged ourſelves behind the river Xucar. But neither could this be done without taking a ſmall town with a caſtle upon that river, that commanded a bridge, where the enemy had a garriſon; and therefore a diſpoſition was made for attacking this town: but, by the delay of the king's generals, the execution of this matter was ſo long deferred, that the enemy had already reinforced their garriſon, and were advanced ſo near with a ſuperior force, that it was not thought adviſeable to attempt the place. Thus the only reſource left us was the kingdom of Valencia, whither we were abſolutely obliged to retreat, that we might preſerve our communication with the ſeas, and canton with ſecurity. Nor is it to be wondered, that count Noyelles, in his letter to the earl of Peterborough, ſhould ſeem diſſatisfied with the meaſures that were then taken, ſince it is well known, that general uſed underhand to ridicule thoſe very opinions in councils of war, to which he had given his own aſſent. For being diſappointed of the command of the army (which was what he expected at his firſt arrival) he ſeemed reſolved, that no other general ſhould have an army to command.'

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but, ſince ſo much depended upon the iſſue of an action, the earl of Galway avoided it, becauſe he expected every day reinforcements to be brought him, both by king Charles, and by the earl of Peterborough from Valencia. In order therefore 1706.

The reader, who has an inclination to ſee a larger detail of the conduct of the earls of Peterborough and Galway, may compare Dr. Friend's account of the former with the Impartial inquiry into the management of the war in Spain; which latter piece is a confutation of the earl of Peterborough's hiſtorian, ſupported by a great number of original papers; among which is a memorial of count Galas to queen Anne, dated $\frac{22}{11}$ of Auguſt 1706, ſhewing 'the 'true and principal reaſon why 'his catholic majeſty was ſo 'long detained at Barcelona, 'and obliged to chuſe the way 'of Saragoſſa, rather than that 'of Valencia, in order to his 'going to Madrid, and to ex'poſe himſelf to all the incon'veniences, which the delay 'of his arrival in the ſaid 'city might have occaſioned.' Which reaſon is charged upon the earl of Peterborough. For, after it had been agreed, that the earl ſhould imbark ſome troops, and tranſport them to Valencia, whither his majeſty would go by land with the reſt of the forces deſigned for that diſpoſition, after which they would march jointly to Madrid, the earl, inſtead of giving the king any aſſiſtance or relief, repreſented the way by Valencia to be almoſt impracticable, and intimated that by Saragoſſa; ſo that his majeſty, having nothing to hope for from the earl, and finding it impoſſible for him to carry his troops ſo far through an enemy's country, without any means of ſubſiſting them, was obliged to accept of the offer of the inhabitants of Arragon, who had newly declared for him, and invited him thither. 'It is true, ſays the me'morial, that my lord Peter'borough, when he had warn'ing given him, that he would 'become anſwerable for the 'inconveniencies that ſuch an 'alteration of the route might 'produce, afterwards wrote to 'the king, as appears by his 'letter of the 5th of July, that 'he had found all that was ne'ceſſary for his majeſty's occa'ſions: but he did not do it 'before it was too late, and till 'ſuch time as his majeſty was 'already upon the road to Sa'ragoſſa; which obliged him 'to return the following anſwer 'to the ſaid lord:'

"You repreſent to me the "importance of my going im"mediately to Madrid, and "propoſe to me the way by "Reguena, as the ſhorteſt and "ſecureſt from inſults. You tell "me the diſpoſitions, both of "men and money, you have "now made for accompanying "my perſon; and further offer "me to come to me to con"cert the reſt, which might "contribute to the good ſucceſs "of this undertaking; for "which I am very much ob"liged to you. But being upon "the road to Arragon, and en"gaged to purſue my march

1706. therefore to facilitate this conjunction, he moved towards Arragon; ſo that Madrid was again left to be poſſeſſed by king Philip. At laſt, in the beginning of Auguſt, king Charles came up, but with a very inconſiderable force. A few

" that way, I am willing to tell " you the chief reaſons that " have induced and obliged me " to take ſuch a reſolution. " Several of your former letters " mention the concern you " were in, that you could not " ſupply me with any money: " That your foot was almoſt " intirely ruined and uſeleſs: " That you could not find mules " for the baggage: And that, " in ſhort, you could not make " one ſtep in ſuch a juncture " for my ſervice. To this you " farther added an account, " that in my paſſage through " the kingdom of Valencia, " I ſhould want every thing; " and therefore having not the " neceſſary funds to defray " the expence of the journey, " the troops I ſhould bring " would be ruined in a ſhort " time and my perſon expo- " ſed to great inconveniences " and diſadvantages. So that, " ſeeing the inclination and " fidelity, which the kingdom " of Arragon begun to ſhew " towards us, I took the re- " ſolution, out of neceſſity, to " turn this way, where I hope, " from a country abounding in " proviſions, for a ſubſiſtence " for my retinue and my troops, " beſides the ſupplies, which " my faithful ſubjects may pre- " ſent me. With this proſpect " I ordered ſome regiments to " march to the frontiers, where " I now am; and the province " having ordered it ſo, that " Saragoſſa, the capital, has " openly declared for me; it " ſeems becoming my royal " dignity to go myſelf, and take " poſſeſſion of that crown; and " the rather, ſince by the ſame " way I can advance towards " Madrid, and making uſe of " the favourable conjuncture, " join with the king of Portu- " gal's army; not doubting but " the generals of the allies, that " command it, will ſend ſome " detachments forward to co- " ver, as I deſire, my march to " that capital, being reſolved to " make but a ſhort ſtay at Sara- " goſſa, and then to march that " way, which will be thought " moſt ſecure and practicable; " whereof I ſhall forthwith give " you notice, in order to regulate " afterwards the route, which " the troops from Reguena, or " the neighborhood, are to take, " in order either to meet me, or " to ſecure elſewhere my paſ- " ſage. I am willing to believe " the road by Reguena is free; " but yet I wonder, that by ſo " eaſy a way you receive no " news from my lord Galway, " ſince there is nothing, that " can hinder the communicati- " on on that ſide."

' Beſides the reaſons con- ' tained in this anſwer, there ' was yet another, which does ' not carry leſs force in it than ' thoſe, viz. That his catholic ' majeſty could repoſe little ' confidence in theſe promiſes, ' having freſh in his memory ' the example of what happen- ' ed at his departure from Liſ- ' bon,

few days after, the earl of Peterborough came alſo with an eſcorte, rather than any ſtrength, for he had not with him above five hundred dragoons. He was now uneaſy, becauſe he could not have the ſupreme command, both the earl of Galway and count Noyelles being much ancienter officers than he was. But, to deliver him from the uneaſineſs of being commanded by them, the queen had ſent him the powers of an ambaſſador extraordinary; and he took that character on him for a few days. His complaining ſo much as he did, of the prince of Lichtenſtein and the Germans, who were ſtill poſſeſſed of king Charles's confidence, made him very unacceptable to that king; ſo that he, without waiting for orders from the queen, withdrew from the camp, and ſailed away in one of the queen's ſhips to Genoa. The Engliſh fleet lay all the ſummer in the Mediterranean, which obliged the French to keep theirs within Toulon. Carthagena declared for king Charles, and was ſecured by ſome of our ſhips. The fleet came before Alicant: the ſeamen 1706.

'bon, when the earl to engage 'his catholic majeſty to leave 'that place, aſſured him, that 'he ſhould want for nothing: 'That he had forty thouſand 'piſtoles, whereof eight thou-'ſand had been given him by 'your majeſty the remainder 'being his own money, beſides 'an unlimited credit upon 'Genoa and Leghorn. But 'ſcarce were they arrived in 'Catalonia, when his lordſhip, 'inſtead of giving any money, 'demanded ſome, and obliged 'his catholic majeſty to bor-'row, and advance to him 'wherewithal to make his firſt 'expedition into Valencia. His 'catholic majeſty hopes, that 'your majeſty will be fully 'convinced by this relation, the 'truth of which is made evi-'dent by the ſaid lord's own 'letters hereto annexed, and 'by the king's anſwers, that 'it was through mere unavoid-'able neceſſity, that his catho-'lic majeſty did not ſet out 'ſooner from Barcelona, and 'took the way by Saragoſſa, 'inſtead of that by Valencia.'

The earl of Sunderland likewiſe, in a letter to the earl of Peterborough, dated at Whitehall, Decemb. 11, 1707, has the following paſſage:

'As to your lordſhip's an-'ſwer to the ſecond head, her 'majeſty is by no means ſatis-'fied with it, becauſe it does 'appear, by the date of your 'letter to the king of Spain, 'and from Mr. Stanhope's let-'ter to you, to which you re-'fer, that you did not, after 'coming to Barcelona, ſolicit 'or preſs the king of Spain to 'go by way of Valencia, till 'after he had taken the reſo-'lution of going by Saragoſſa, 'which reſolution was alſo oc-'caſioned by the diſcourage-'ments you had given him from 'going by way of Valencia for 'want of money, carriages, and 'all neceſſaries for the army.'

1706. ſeamen landed and ſtormed the town: the caſtle held out ſome weeks; but then capitulated, and the ſoldiers, by articles, were obliged to march to Cadiz. Soon after that, our fleet ſailed out of the Streights, one ſquadron was ſent to the Weſt-Indies; another was to lie at Liſbon, and the reſt were ordered home. After king Charles had joined the earl of Galway, king Philip's army and his looked on one another for ſome time, but without venturing on any action. They were near an equality, and both ſides expected to be reinforced; ſo that, in this uncertainty, neither ſide would put any thing to the hazard.

Affairs of Italy. Broderick. Burnet. Hiſt. of Europe.

Notwithſtanding his diſgraces both in Spain and the Netherlands, the king of France was reſolved to purſue his deſigns in Italy, where the duke of Orleans (upon Vendoſme's being placed at the head of the French army in Flanders) was ſent to command, with marſhal Marſin to aſſiſt, or rather to govern him. As all the preparations for the ſiege of Turin were made, and as it was thought impoſſible for prince Eugene to attempt the relief of that place, the ſiege was begun in May, and continued till the beginning of September (1). The French were in hopes, that the taking of Turin, with the intire reduction of Piedmont, of which they ſeemed ſecure, would compenſate their other loſſes. They boaſted they had formed an army, under the duke de la Feuillade, for that enterprize, conſiſting of ſixty-eight battalions and eighty-eight ſquadrons, two hundred and fifty officers of artillery, eight hundred gunners, two hundred and fifty bombardiers and miners, and four thouſand pioneers; and that they had alſo provided for the ſiege a hundred and ſixty pieces of heavy cannon, eighty mortars,

(1) Turin, a ſtrong and ſplendid city of Italy, with a fine caſtle; the marquiſate of the principality of Piedmont, in the territory of Turin; an archbiſhoprick and univerſity, ſubject to the duke of Savoy, and his ſeat. The French beſieged it very vigorouſly the preſent campaign, and reduced it to great extremities: But, September the 7th, the duke of Savoy, and prince Eugene, relieved it, gaining a compleat victory over their enemies. It ſtands in a very fruitful pleaſant plain, on the river Po, twenty miles nigh eaſt of Pignerol, ſeventy-eight almoſt weſt of Genoa and Milan, a hundred almoſt eaſt of Grenoble and Cambray, a hundred and twenty ſouth-eaſt of Geneva, a hundred and fifty-four almoſt ſouth of Lyons, two hundred and fifty weſt of Venice, three hundred and ſixty ſouth-eaſt of Paris, three hundred and forty north weſt of Rome, and four hundred and ſixty ſouth weſt of Vienna.

a hundred thouſand bullets, twenty-ſeven thouſand bombs, 1706.
one million and one hundred thouſand pounds weight of powder, three hundred thouſand weight of lead, eighty thouſand grenadoes, &c. all which were laid up in the magazines of Caſal, Creſcentino, and Chivas. On the other hand, the duke of Savoy, who was reſolved to defend the place to the laſt extremity, added new works to the fortifications. The French king, at the ſame time, uſed all poſſible methods to induce him to abandon the allies, by not only offering him the government of the Milaneſe for his life, but ſeveral millions of livres for repairing his fortified places, that had been demoliſhed. But he rejected thoſe propoſals, and declared his reſolution to adhere firmly to the intereſt of the grand alliance. The French king therefore determined to reduce him (if poſſible) by force, and immediately diſpatched his orders to the duke de la Feuillade, to form the ſiege of Turin with the utmoſt diligence. Accordingly, he cauſed the lines of circumvallation and contravallation to be carried on; and the latter being finiſhed by the 30th of May, N. S. and the other on the 2d of June, the trenches were opened the ſame night, both againſt the town and citadel. The duke, having the next day viewed the enemy's works, ordered the guards in the citadel, and at the gate Suza, to be doubled, and gave other neceſſary directions for the defence of the place; and, on the 6th of June, gave orders for the planting of ſixty pieces of cannon on the baſtion de la Conſolaire, near the citadel, and upon ſome other works. The next day, the duke de la Feuillade ſent monſieur de Marignan, his quarter-maſter-general, with a trumpet to the grand guard, to acquaint the duke, "That he had received orders from "court, to form the ſiege of Turin; and, at the ſame "time, to have all imaginable regard to the royal family "there, and offer to them paſſports, with a guard, before "the ſiege was begun." In anſwer to which, the duke ſent word, "That he was very much obliged to the king "for his offer: That he did not think at preſent to remove "his family: That, whenever he ſhould remove them, he "ſhould have no occaſion for a paſs or a guard: And that "he might execute his maſter's orders, and begin the ſiege "when he thought fit." On the 8th of June, therefore, the beſiegers began to bombard the citadel and town, and continued the three following days without doing any conſiderable damage; and, at the ſame time, the beſieged fired inceſſantly from their mortars, cannon, and ſmall arms,

1706. which very much diſturbed the enemy in their works, who, on the 15th, at night, began to fire on the beſieged red-hot bullets, moſt of which fell near the duke's palace, but did very little harm. The next day, the two ducheſſes, with the young prince and princeſſes, left Turin, and went to Quieraſco; and the duke of Savoy having received advice, that the enemy were marching towards Montcalier, in order entirely to ſurround Turin, he left his capital on the 18th, and, going to Carmagnole, put himſelf at the head of his horſe, whence he ſent ſix hundred of them under general Marigni to Montcalier; but, on the 20th, the enemy's forces on this ſide the Po advancing thither, that general was forced to retire. On the 21ſt, Mr. Methuen, envoy extraordinary from the queen of Great-Britain to the duke of Savoy, came from Genoa by the way of Oneglia to Carmagnole, where he had audience of the duke. But that night, the duke receiving advice, that the enemy had laid a bridge over the Po at Montcalier, and intended to march that way the next morning, orders were given for decamping by break of day; and the duke marched from Carmagnole to Quieraſco, and there paſſed the Stura, being cloſely purſued by the enemy, who attempted ſeveral times to put his rear into diſorder, but were as often repulſed, and the duke made an orderly retreat. Soon after, he received intelligence, that the enemy were advancing to attack Quieraſco, whereupon he removed the ducheſſes and princes to Mondovi, being accompanied, at the duke's requeſt, by the Sieur Vander Meer, envoy extraordinary from the States-General. From thence they removed to Ceva; but, the duke imagining they were not ſafe there, he ordered them to retire into the territories of Genoa, where, after many inconveniencies and dangers, they ſafely arrived about the middle of July.

The duke de la Feuillade, being wearied in the purſuit of the duke of Savoy, returned, the 5th of July, to the camp before Turin, to receive the duke of Orleans (who was come to take the command) leaving forty-five ſquadrons, under the count d' Aubeterre, with orders to purſue the duke of Savoy: Which purſuit proved advantageous to his Royal Highneſs, for, from the 10th of June to the 5th of July, great part of the forces, employed in the ſiege of Turin, being engaged in this ſervice, it not only very much retarded the progreſs of the ſiege, but gave prince Eugene an opportunity at laſt to come up time enough to relieve the place, in hopes of which relief, though the ſiege was vigo-

rouſly

rouſly puſhed on, it was as bravely defended. However, on the 4th of Auguſt, the enemy attacked the firſt counter-ſcarp of the citadel, and took it after a ſtout reſiſtance, which laſted for about three hours, having twenty officers, three engineers, and three hundred men killed, beſides four hundred wounded in the action. After this, they continued to perfect their lodgments and batteries; but the beſieged ſprung ſo many mines, that they had no batteries ready till the 21ſt. On the 25th, in the morning, the beſieged ſprung a mine, which buried ſeveral men, blew up nine pieces of cannon, and threw down three out of five batteries, which were on the covered way. On the 26th, in the night, the half-moon and counter-guards were attacked and carried by the beſiegers; but thoſe, who defended the half-moon, retired into a walled redoubt at the neck of it, and from thence to the flank of the baſtions, and made ſuch a terrible fire upon the enemy for three hours together, that, the next morning, they drove them from the counter-guards with ſuch ſlaughter, that they owned themſelves, they had in thoſe attacks near five hundred men killed. On the 28th of Auguſt, the duke of Orleans arrived in the camp with forty ſquadrons, eleven regiments of dragoons, and forty battalions. The beſiegers, encouraged by theſe reinforcements, on the laſt of Auguſt, made a ſecond aſſault upon the half-moon, and the two counter-guards before the citadel, but were repulſed with greater loſs than before; the beſieged making a terrible fire with their ſmall arms, and ſpringing ſeveral mines with extraordinary ſucceſs; for, of ſeven batteries, ſome of five, others of ſix pieces of cannon, which the beſiegers had on the covered way, not one was left, the mines of the beſieged having ruined them all. But, though the French loſt above fourteen thouſand men before the place, yet the ammunition of the beſieged was now ſo far ſpent, that they muſt have capitulated within a day or two, if they had not been relieved by prince Eugene, who made all poſſible haſte for that purpoſe. The court of Vienna had not given due orders, as they had undertaken, for the proviſion of the Troops, which were to march through their country to join him. This occaſioned many complaints and ſome delay. The truth was, that court was ſo much ſet on the reduction of Hungary, that all other things were much neglected, while that alone ſeemed to poſſeſs them. A treaty was ſet on foot with the malecontents there by the mediation of England and the States-General; and a ceſſation of arms was agreed to for two

1706.

1706. months. All, who belonged to that court, were very uneasy, while the ceſſation continued: They had ſhared among them the confiſcations of all the great eſtates in Hungary; and they ſaw, that, if a peace were made, all theſe would be vacated, and the eſtates would be reſtored to their former owners; for which reaſon, they took all poſſible means to traverſe the negociation, and inflame the emperor. There ſeemed to be ſome probability of bringing things to a ſettlement; but that could not be brought to any concluſion, during the term of the ceſſation; and when that was elapſed, the emperor could not be prevailed on to renew it. He recalled his troops from the Upper Rhine, though that was contrary to all his agreements with the empire. Notwithſtanding all this ill management of the court of Vienna, prince Eugene got together the greateſt part of thoſe troops, which he expected in the Veroneſe, before the beginning of June. They were not yet all come up; but he, believing himſelf ſtrong enough, reſolved to advance; and he left the prince of Heſſe with a body to receive the reſt, and by them to force a diverſion, while he was going on. The duke of Vendoſme had taken care of all the fords of the Adige, the Mincio, and the Oglio; and had caſt up ſuch lines and intrenchments every where, that he had aſſured the court of France it was not poſſible for prince Eugene to break thro' all that oppoſition, at leaſt to do it in any time to relieve Turin. By this time the duke of Orleans was come to take the army out of the duke of Vendoſme's hands; but, before Vendoſme had left it, they ſaw, that he had reckoned wrong in all thoſe hopes, which he had given the court of France of ſtopping prince Eugene's march. For, in the beginning of July, that prince ſent a few battalions over one of the fords of the Adige, where the French were well poſted, and double their number, who yet ran away with ſuch precipitation, that they left every thing behind them. Upon that the prince paſſed the Adige with his whole army, and the French in a conſternation retired behind the Mincio. After this the prince ſurprized the French with a motion, which they had not looked for, nor prepared againſt, for he paſſed the Po. The duke of Orleans followed him, but declined an engagement; whereupon prince Eugene wrote to the duke of Marlborough, that he felt the effects of the battle of Ramillies, even in Italy, the French ſeeming to be every where diſpirited with their misfortunes. Prince Eugene, marching nearer the Apennines, had gained ſome days march of the duke of Orleans, who, upon that, repaſſed the

Po, and advanced with ſuch haſte towards Turin, that he took no care of the paſs at Stradella, which might have been kept and diſputed for ſome days. Prince Eugene found no oppoſition there; nor did he meet with any other difficulty, but from the length of the march, and the heat of the ſeaſon, for he was in motion all the months of July and Auguſt. At laſt, after having paſſed four great rivers, which ſerved for ditches to the four intrenchments, which the enemy had made to hinder his paſſage, and, after thirty-four marches, his army arrived near Turin on the 30th of Auguſt. On the 1ſt of September, prince Eugene, joned by the duke of Savoy with his horſe, and the whole army, paſſed the Po, on the 4th, between Montcalier and Carignan towards Quiers; and four battalions, and ten thouſand militia, were left under the command of count Santena, with a certain quantity of powder to be thrown into Turin, in caſe the enemy ſhould quit the hill, to oppoſe the confederate army with all their forces. On the 5th, the confederates incamped near the Doria, and, the duke of Savoy having intelligence, that a convoy of one thouſand three hundred mules was coming from Suza, he cauſed the marquis de Viſconti to paſs the ford of Elpignan with the firſt line of the left wing, and the marquis de Langallerie to paſs below Pianeſſa with the horſe of the ſecond line of the ſame wing, and ſo the convoy, being then come into the neighbourhood of that town, was incloſed between them. Monſieur de Bonel, who commanded the guard of the convoy, was beaten, and the regiment of Chatillon intirely defeated. That day eight hundred loaded mules were taken; and at night the caſtle of Pianeſſa, into which the reſt of the convoy, and of the regiment of Chatillon, had eſcaped, ſurrendered with its garriſon (conſiſting of eighty foot) at diſcretion. On the 6th, the confederates paſſed the Doria, and incamped with the right on the bank of that river before Pianeſſa, and the left on the Stura before the Venerie. At night all the troops were ordered to be ready to fight the next day, which order was received with inexpreſſible joy. On the 7th, at daybreak, they marched to the enemy, who were intrenched up to the teeth, having the Stura on their right, the Doria on their left, and the convent of Capuchins de Notre Dame de la Campagne in the center; beſides Luſcingo and ſeveral other fortified Caſcines flanked their intrenchment. The confederate foot marched in eight columns, four in the firſt line, and as many in the ſecond, and all the grenadiers of each column in the van. The artillery was divided in pro-

portion

1706.

Battle of Turin. Hohendorf's letter.

1706. portion among the foot. The right moved along the ſide of the Doria, and the left along the Stura. Behind the foot marched the horſe; the firſt line in ſix columns, and the ſecond in brigades. Never was any thing ſeen ſo bold and terrible as this march. The enemy fired continually with forty pieces of cannon; but all the fire ſerved only the more to inflame the confederate ſoldiers, who, within half cannon-ſhot, formed into battalia; all their generals took their poſts, their cannon began to fire, and all the inſtruments of war to ſound. They left a proper diſtance betwixt the brigades of their foot, by which they might march their horſe in caſe of need, which precaution was of great uſe to them afterwards. Upon notice, that all was in order, the whole army moved in a moment. The infantry marched up with their muſkets on their ſhoulders to the foot of the intrenchment. Then the great fire of the muſkets began; and, as, by the unequal ſituation of the ground, the confederate left wing ſuſtained alone for ſome time the efforts of the enemy, that ſtopped them a little, but without making them give ground. At the ſame time prince Eugene came up, drew his ſword, and putting himſelf at the head of the battalions on the left, broke into the enemy's intrenchment in an inſtant. The duke of Savoy did the like in the centre and the right near Luſcingo. In concluſion, the confederates triumphed on all ſides, and their horſe advancing through the intervals left for them, it was no longer a fight, but a purſuit. By noon the victory was compleat, and the city intirely delivered, for the enemy abandoned the attack, and the remains of their army retired to the other ſide of the Po. The reſt of the day was ſpent in taking ſeveral caſcines and redoubts poſſeſſed by the enemy, who all yielded themſelves priſoners; and the duke of Savoy triumphantly entered his capital that evening.

The duke of Orleans, though he loſt the day, yet gave great demonſtrations of courage, and received ſeveral wounds. Marſhal Marſin fell into the enemy's hands, but died of his wounds in a few hours. Upon him the errors of this dreadful day were caſt; the duke of Orleans, with moſt of the chief officers, having declared for marching out of their trenches; but the marſhal was of another mind, and, when he found it hard to maintain his opinion, produced poſitive orders for it, which put an end to the debate. But the greateſt part of the cenſure fell on monſieur Chamillard, who was then in the ſupreme degree of favour at Court, and was intirely poſſeſſed of madam de Maintenon's confi-

dence,

dence. The duke de la Feuillade had married his daughter; and, in order to the advancing him, he had the command of this ſiege given him, which was thus obſtinately purſued, till it ended in this fatal manner. The obſtinacy continued; for the French king ſent orders, for a month together, to the duke of Orleans, to march back into Piedmont, when it was abſolutely impoſſible; and the reaſon of this was underſtood afterwards. Madam de Maintenon (it ſeems) took that care of the king's health and humour, that ſhe did not ſuffer the ill ſtate of his affairs to be fully told him. He, all that while, was made to believe, that the ſiege was only raiſed upon the advance of prince Eugene's army, and knew not, that his own was defeated and ruined (1). 1706.

While

(1) The loſs of the enemy amounted to four thouſand ſeven hundred and ſix killed in battle, beſides thoſe ſlain in the retreat, and by the Vaudois. Count Marce, lieutenant-general; monſieur la Bretonniere, general of the horſe; meſſieurs de Senneterre and Villars (marſhals de camp) the marquis de Bonneval, brigadier, taken by his own brother, who left the French ſervice, with the marquis de Langallerie, were made priſoners; as were likewiſe eight colonels, twelve lieutenant-colonels, ſix majors, ninety-eight captains, a hundred and eleven lieutenants, thirty-four cornets and enſigns, thirty engineers and commiſſaries of the artillery, and ſeven thouſand ſix hundred and forty private men, including thoſe taken in Chivas; the whole amounting to twelve thouſand ſix hundred and ſeventy men. In the enemy's works the Germans found two hundred and fifty-five pieces of cannon, a hundred and eight mortars, ſeven thouſand eight hundred bombs, thirty-two thouſand royal grenadoes, forty-eight thouſand cannon-balls, beſides a prodigious number in the ditches, &c. four thouſand cheſts of muſket-ſhot, and eighty-ſix thouſand barrels of gunpowder. They took all their tents and baggage, five thouſand horſes, mules, and oxen, twenty-ſeven large boats loaded with ammunition, all their pontoons, four pictures of the French king ſet with diamonds, valued at four thouſand piſtoles. And monſieur de Carreſt, commiſſary-general of the army, was taken, with all his mules ſo richly laden, that that part of the booty alone was valued at three millions of livres; to which muſt be added ten thouſand horſes of thirteen regiments of dragoons, which ſerved for a very ſeaſonable recruit to remount the confederate cavalry, but was ſuch a loſs to the enemy, as could neither ſoon nor eaſily be retrieved.

Count Daun, general of the artillery, had defended the city of Turin with all imaginable conduct and bravery; but the garriſon ſuffered very conſiderably

1706. While this was done at Turin, the prince of Heſſe advanced to the Mincio, which the French abandoned; but, as he went to take Caſtiglione, Medavi, the French general, ſurprized him, and cut off about two thouſand of his men; upon which he was forced to retire to the Adige. The French magnified this exceſſively, hoping, with the noiſe they made about it, to balance their real loſs at Turin; and they continued ſome time about Feneſtrelles and Briançon, as if they had a deſign to return with their army into Piedmont, and, to give an air of truth to their pretences, made ſome preparations and unſucceſsful attempts to paſs through the valley of Aoſta. But the duke of Savoy and prince Eugene, diſregarding the reports ſpread by the French, were only intent upon improving their late advantages and preſent opportunities. All the places, poſſeſſed by the enemy in Piedmont, Montferrat, and Milaneſe, and the neighbouring Provinces, were reduced one after another, ſome voluntarily, as Milan; others by force, and among the reſt Pavia, Mortara, Alexandria, Pizzighitone, Tortona (the garriſon of which was put to the ſword) and Caſal, the garriſon of which was made priſoners of war, as well as thoſe of many others; ſo that, except Cremona, Valenza, and the caſtle of Milan, which were blocked up, France loſt at the concluſion of the campaign a vaſt country, the invading and keeping of which had coſt prodigious ſums of money, by a revolution no leſs ſurpriſing than that which happened in the beginning of the campaign in the Netherlands.

There

ably in the ſiege, which laſted near four months; during which time, the enemy made ſuch a terrible fire upon them, as can ſcarce be paralleled in any age. Out of the Imperialiſts in garriſon, during the ſiege, three hundred and eleven were killed, five hundred and eighty-nine wounded, and a hundred and twenty-two taken priſoners; in all one thouſand and twenty ſix. Out of the troops of Savoy thirteen hundred and three were killed, ſeventeen hundred and twenty-two wounded, nineteen hundred and fifty-eight deſerters; the whole five thouſand and ninety-three. Out of the diſmounted horſe a hundred and forty-one killed, and a hundred and fifty-four wounded. Out of the men belonging to the artillery there were ſeventy-one killed, ſeventy-five wounded, and forty-ſeven deſerted; the whole loſs amounted to ſix thouſand ſix hundred and ſeven, beſides near three thouſand of the confederates killed or diſabled in the battle.

There was another alarm given the French this ſummer, 1706.
which heightened the diſorder they were in after the battle of Ramillies. The queen and the ſtates made great preparations for a deſcent in France, which was projected by the abbot de la Bourlie, brother to the count de Guiſcard, lieutenant-general in the army of France, and governor of Namur when taken by king William. This abbot, upon a family diſguſt, having thrown up his abby, formed the deſign of reſtoring the civil and religious liberties of France, which the low condition of the kingdom, the general diſcontent of the people, and the united power of the allies ſeemed to encourage. In purſuance of his deſign, the abbot repaired to the ſouthern provinces of France, where he ſettled a correſpondence with ſeveral perſons of note, eſpecially among the Camiſars, who had then taken up arms.

Deſigns for a deſcent in France. Parnet. MS. * An Account of the marquis of Guiſcard.

From thence he went to Turin, where he aſſumed the title of marquis de Guiſcard. He was well received by the duke of Savoy, who honoured him with the rank of a general officer in his army, and gave him a recommendatory letter to the emperor. Pleaſed with this ſucceſs he haſtened to Vienna, and applying himſelf to prince Eugene (with whom he had been intimate in his youth) was by the prince's means made a lieutenant-general in the emperor's army, which ſerved to give him credit and confidence with the maritime powers ſo abſolutely neceſſary to his projects.

From Vienna the marquis came to the Hague, where he prevailed with the penſionary Heinſius to hearken to his propoſals, and to give him ſuch credentials, as gained him an eaſy admiſſion to the duke of Marlborough, when he came over in the winter 1705-6. Whilſt in Holland, the marquis publiſhed (as he had done at Turin) letters of exhortation to his countrymen, which he found means to diſperſe over France by way of manifeſto's. Theſe were all penned in the ſtyle of enthuſiaſm, of which he ſeemed to have a great tincture.

Thus ſupported and recommended he came into England, where he was favourably received, and grew into the good opinion and intimacy of Mr. Henry St. John, ſecretary of war (which

* The account of this deſcent, and the campaigns in Spain from 1706 to 1712, are chiefly taken from a manuſcript narrative, by a chaplain in the army, who was on the ſpot. It will be marked in the margin by the letters M S.

1706. (which continued till within a ſhort time of his death) and of other eminent perſons. Never was an affair of ſuch importance concerted and ſettled in ſo ſmall a time. Guiſcard was made lieutenant-general, and had the command of a regiment of dragoons, conſiſting of twelve troops, with the direction of ſix regiments of foot, all formed out of the French refugees on the Iriſh eſtabliſhment, at leaſt as to the officers. The marquis, on account of his religion, bore only the name of lieutenant-colonel. To theſe regiments were added as many Engliſh foot and dragoons, as amounted in the whole to ten thouſand foot and one thouſand two hundred horſe. A report of Guiſcard's commanding in chief cauſed two refugee general officers to deſire to be excuſed ſerving in the expedition. But this report was without any ground, for the command of the land forces was conferred on earl Rivers, and of the fleet on Sir Cloudeſley Shovel. It was the 30th of July before the forces and a large train of artillery, under the command of colonel Richards, were all embarked. Earl Rivers went on board the Barfleur that day, and fell down with the fleet to St. Helen's to wait the coming of the Dutch, who were detained in the Downs by contrary winds, and did not join the fleet till the 13th of Auguſt near Plymouth. Next day the whole fleet, conſiſting of one hundred and fifty ſail, was forced into Torbay, where a council of war was held on board the admiral. At this council Guiſcard, who, the moment the fleet put to ſea, had been acknowledged lieutenant-general, had the mortification to ſee the project he had been ſo long contriving entirely demoliſhed. Earl Rivers, who had opened his orders the day before he got into Torbay, found himſelf authoriſed to examine Guiſcard very ſtrictly concerning the deſcent, and, to the great ſurprize of the board, he had nothing but probabilities and a few correſpondents to go upon, and therefore the council came to ſome reſolutions very diſadvantageous to Guiſcard, which were immediately ſent up to court by an expreſs. The politicians were at a loſs, nor is it known to this day what could induce England and Holland to make ſuch an armament upon ſo weak a foundation. Indeed, if a diverſion was only aimed at by alarming the coaſts of France, the deſign was in great meaſure anſwered. For the alarm was general. It put all the maritime counties of France to a vaſt charge, and under diſmal apprehenſions. Officers were ſent from the

the court to exerciſe them, but they ſaw what their militia was, and that was all their defence (1). 1706.

About the ſame time that the expreſs came from the fleet, another arrived from the lord Galway, after his retreat from Madrid into Valencia, to ſolicit for ſuccours, and the court was not long in ſuſpenſe what to order. Inſtead of carrying on the alarm to France, the reduction of Spain was thought of much greater conſequence, and therefore new orders were ſent to the fleet to ſail firſt to Liſbon, and there to take ſuch meaſures, as the ſtate of affairs in Spain ſhould require. At the ſame time Guiſcard was ſent back to London, as were the officers of three of the French regiments of foot, the ſoldiers being left to compleat the reſt; and rear-admiral Dilks was ordered to Portſmouth, with ſix of the largeſt men of war. In their ſhort voyage they met with ſuch a violent ſtorm, that they were all ſix in danger of being loſt, two of them being forced through the Needles, a thing unheard of, and very hazardous, for firſt rate ſhips.

The fleet, after having been detained near ſeven weeks in Torbay, by contrary and ſtormy winds, ſailed at laſt the 1ſt of October, and arrived in three weeks at Liſbon. Earl Rivers went, November 3, to wait on the king at a little houſe at Alcantar, which, it was ſaid, he hired for his health; but, more probably, to be near a convent of nuns, which was over-againſt this little houſe, where a beautiful Engliſh lady, ſiſter to a conſiderable merchant, was ſhut up by her huſband, a Portugueſe of a great eſtate, upon the account of an intrigue with the king. In this houſe the king lived very privately, four or five ſtraggling ſoldiers being about the gate in different coloured cloaths, without any regular centry without or within, nor any other appearance of a king than a canopy he ſtood under, with only four perſons with him very indifferently dreſſed, when he gave audience to the general.

(1) The manuſcript narrative ſays, the duke of Roquelaure had an army of no leſs than forty thouſand men to defend Guieur, and would have been ready to receive us, if we had gone to the intended place. Theſe troops, he obſerves, would have been of great ſervice to the French in Flanders. Burnet ſays, he ſaw one of the maſeſto's that earl Rivers was ordered to publiſh upon his landing: He declared that he was come neither to pillage the country, nor to conquer any part of it: He came only to reſtore the people to their liberties, and to have aſſemblies of the ſtates, as they had anciently, and to reſtore the edicts to the proteſtants, promiſing protection to all that ſhould come and join him.

1706. general. He received the earl with his hat off, and with great civility, ſaying, he was glad to ſee him, and approved much of his going to join the king of Spain. In this he was not thought ſincere, for he would fain have kept the army in Portugal. He ſpoke always to ſtrangers by an interpreter, for the palate of his mouth was ſo much damaged, that even the Portugueſe, that were not admitted to a great familiarity, could not underſtand him without great difficulty (1).

In

(1) November 12, earl Rivers and the admiral, attended by ſeveral officers, went to wait on the young princes, the king's ſons, at the royal palace, and were received in the moſt uncivil formal manner, ever I ſaw, or heard of: After waiting about ſix minutes, we were conducted through three rooms to a fourth, where, on a Turkey carpet, and under a canopy, were the four young princes drawn up in exact rank; the eldeſt on the right, and next to him, according to their ages. As ſoon as within the room we all bowed very low: Then, going near them, the earl Rivers bowed again low; firſt to the eldeſt, then to each particularly: All our officers doing the ſame. But they ſtood ſtiff like ſtatues, with their hats on, not ſhewing the leaſt notice or civility either with their bodies or hands. The earl Rivers ſpoke twice to the ſecretary of ſtate, who was near him, to interpret ſomething to the eldeſt prince, who made anſwers by the ſecretary, and then waved his hand for us to go: So we all bowed low, then went backwards, with our faces to them till near the door, then bowed again, and ſo went out, without the leaſt notice, or return of civility: Which was a moſt offenſive and odious piece of ſtate. The three eldeſt were in black, with large bands, and large Holland ruffles, and black clokes. Their right-hands in, or near the coat-pocket; and left hands in their breaſt: Full bottom'd perukes hanging before, of an awkward length, ſhorter by much than thoſe worn at our court: Their hats looped up very low, ſo that both hat and peruke looked very ungenteel. The youngeſt was in a purple coat faſhionably made, with a cravat tucked as ours, and looked very well. The eldeſt is eighteen years of age; their perſons are indifferently good, except the ſecond ſon, who has an ill-favoured ſullen face; he is the talleſt: The others promiſe to be but of a little ſtature. Their court was thin, and almoſt half of prieſts of ſeveral orders, ſome in comical dreſſes. In the room with the princes, except the ſecretary of ſtate, the company ſtood up againſt the walls, as immoveable as the princes: No guard, armed men, or centry without, or within the palace; in the firſt hall below ſtairs, about eight halbards were ſet up againſt the wall near the door, that leads to the great ſtair caſe.

In leſs than a month after the audience, the king died on the 28th of November. When he was opened, his body was found to be intirely decayed within. During his three days illneſs, all the wonder-working relics of Liſbon were carried to him, and continual proceſſion made in the city for his recovery, but all to no purpoſe. The very day after his deceaſe, the young king, his eldeſt ſon, who was then eighteen years old, took the adminiſtration into his hands, and ſigned a treaty of alliance, expreſſing great heartineſs in it. 1706.

About the middle of December, the ſecretary of ſtate deſired a conference with earl Rivers, in which he preſſed him very much from the king, to ſtay in Portugal with the army under his command, but his ſolicitations proved fruitleſs: For the earl ordered, two days after, the horſes to be embarked, which were almoſt all on board, when an expreſs arrived from England, with orders to ſtay in Portugal, which put a ſtop to the embarkation. Ten days after, earl Rivers had an audience of the king, and laid before him ſeveral demands in writing, particularly about furniſhing mules for drawing the artillery, and for the officers baggage, as it was practiſed in Spain. The anſwer was to be returned in three days, and to determine the earl's ſtaying or going. But when it came, orders were immediately given to embark the remainder of the horſes. The general and all the officers went on board; and, on the 2d of January, the fleet ſailed for Alicant, where they arrived on the 28th of the ſame month. Dec. 24.

At Alicant, earl Rivers found an aid de camp from the lord Galway, waiting for his arrival with a letter, to deſire that he would aſſiſt at a general council of war, which was to be held in the city of Valencia. Accordingly, about the middle of February, the earl Rivers and earl of Eſſex went to Valencia, where the grand council was held to determine the operations of the campaign; the reſult of which was, that they ſhould act offenſively, ſeek out the enemy, and endeavour to bring them to a battle, conſidering the great reinforcements ſent from England. Here no leſs than four Engliſh generals met together; the earls of Peterborough, Galway, and Rivers, and general Stanhope, the queen's envoy extraordinary to the king of Spain. The earl of Peterborough was recalled, ſo the command of the forces was to remain either with lord Galway or lord Rivers. The earl of Galway uſed many arguments to perſuade earl Rivers to take it upon him, notwithſtanding the orders he had received

1706. from England to ſtay and command. But earl Rivers, not liking the country, or for ſome other reaſon, choſe to return to England, which he and the earl of Eſſex did a few days after, and Sir Cloudeſley Shovel ſailed back with the fleet to Liſbon.

Affairs of Poland. Burnet. Hiſt. of Europe. Saxony invaded by the king of Sweden.

In the end of the campaign, in which Poland had been harraſſed with the continuance of the war, but without any great action; the king of Sweden, ſeeing that king Auguſtus ſupported his affairs in Poland by the ſupplies both of men and money that he drew from his electorate, reſolved to ſtop that reſource. He marched therefore in the beginning of September through Luſatia into Saxony, and quickly made himſelf maſter of an open country, that was under no apprehenſions of ſuch an invaſion, nor in any ſort prepared for it, and had few ſtrong places in it capable of making reſiſtance. The rich town of Leipſic, and all the reſt of the country, was without any oppoſition put under contribution. All the empire was alarmed at this; and it was firſt apprehended, that it was owing to French counſels, in order to raiſe a new war in Germany, and put the north all in a flame. Robinſon and Haerſolet, envoys from England and Holland, were ordered to attend the king of Sweden, and deſire him to declare his true intentions. The king gave it out, that he had no deſign to give any diſturbance to the empire, and intended by this march only to bring the war of Poland to a ſpeedy concluſion. Accordingly king Auguſtus, ſeeing his hereditary dominions in the hands of his enemy, ſoon found he could no longer maintain the war in Poland, and therefore a treaty was ſet on foot with ſuch ſecrecy, that it was concluded before it was thought to be in agitation. Auguſtus was only waiting for a fit opportunity to diſengage himſelf from his Polanders and from the Muſcovites; but an incident happened, that had almoſt imbroiled all again. For, before the ratifications of the treaty were exchanged, the armies being near one another in Great Poland at Kaliſh, the Polanders and Muſcovites attacked the Swedes at a great diſadvantage, being much ſuperior in number, and almoſt cut them in pieces. King Auguſtus had no ſhare in this, and did all he durſt to avoid it. He made all the haſte he could out of Poland, and, immediately after the battle, the peace, to the great ſurprize of all Europe, was publiſhed, having been ſigned the 24th of September, above a month before the engagement. By the treaty king Auguſtus reſigned the kingdom of Poland, and the great dukedom of Lithuania, and acknowledged

Battle of Kaliſh. Oct. 29.

Staniſlaus as true rightful king of Poland. He was contented with the empty name of king, though that ſeemed rather to be a reproach than any acceſſion of honour to his electoral dignity; but he thought otherwiſe, and ſtipulated, that it ſhould be continued to him. He was at mercy, for he had neither forces nor treaſure. It was thought the king of Sweden treated him with too much rigour, when he had ſo intirely maſtered him; but he was as little pitied as he deſerved to be, for, by many wrong practices, he had drawn all his misfortunes upon himſelf. The king of Sweden, being thus in the heart of Germany, in ſo formidable a poſture, gave great apprehenſions to the allies. The French made ſtrong applications to him, but the courts of Pruſſia and Hanover were in ſuch a concert with that king, that they gave the reſt of the allies great aſſurances, that he would do nothing to diſturb the peace of the empire, nor to weaken the alliance. The court of France preſſed him to offer his mediation for a general peace; all the anſwer he gave was, that, if the allies made the like application to him, he would interpoſe and do all good offices in a treaty, but refuſed to enter into any ſeparate meaſures with France. 1706.

Propoſitions for a peace. Lamberti.

This was not the only application the French king made for a treaty. Soon after the battle of Ramillies, the elector of Bavaria gave out hopes of peace. He writ a letter from Mons the 21ſt of October, N. S. to the duke of Marlborough, and another of the ſame date to the deputies of the States, with propoſals from the court of France for holding of conferences in ſome place between the two camps, or between Mons and Bruſſels, to treat of a peace. The deputies of the ſtates had ſent the elector's letter to the Hague, and the duke had alſo communicated his to the queen his miſtreſs. When the army ſeparated in the Netherlands, and the winter-quarters were ſettled, the duke came to the Hague, the 9th of November, N. S. The next day the deputies of the Sates came and held a long conference with him, chiefly upon the ſubject of the elector's letters. It was agreed, that the ſteps, which France had made towards a peace, ſhould be communicated to the miniſters of the allies, in order to remove all ſuſpicions of clandeſtine negotiations, and encourage the ſeveral members of the grand alliance to redouble their efforts againſt the next campaign. This being concerted, as well as the draughts of the reſpective anſwers to the elector of Bavaria, the States deſired the miniſters of the allies, reſiding at the Hague, to be preſent, on the 21ſt of November, at an extraordinary congreſs, when the deputies

1706. for foreign affairs made the following notification to them. They owned, "That France had formerly, by ſome private "perſons, made general intimations of their willingneſs to "treat of peace, and that, laſt winter, the marquiſs d' "Alegre, had preſented the ſtates a formal memorial on "the ſame ſubject [the ſubſtance of which was read in the "congreſs] but they had given no ear to thoſe advances, "nor communicated them to the allies, becauſe they did not "judge them worth imparting to them. But that, in Octo- "ber laſt, the elector of Bavaria had writ a letter to the duke "of Marlborough, and another to the field-deputies of the "ſtates; which letters, with the draughts of the anſwers, "were alſo communicated to the congreſs (a)."

Then the deputies of the ſtates declared to the aſſembly, "That their high mightineſſes were reſolved not to enter "into

(a) The elector's letter to the duke of Marlborough was as follows:

'The moſt chriſtian king, ſir, 'finding, that ſome overtures 'of peace, which he had cauſed 'to be made in a private man- 'ner, inſtead of producing the 'effect of making known his 'diſpoſitions towards procuring 'a general peace, have been 'looked upon, by ill-deſigning 'perſons, as an artifice to diſ- 'unite the allies, and make an 'advantage of the miſunder- 'ſtanding, that might be crea- 'ted among them; has reſolved 'to ſhew the ſincerity of his in- 'tentions, by renouncing all 'ſecret negotiations, and open- 'ly propoſing conferences, in 'which means may be found 'for the re-eſtabliſhing the tran- 'quillity of Europe.

'The moſt chriſtian king is 'pleaſed to charge me to in- 'form you of this, and to deſire 'you to acquaint the queen of 'England with it.

'I give the like notification 'on the part of the moſt chriſ- 'tian king to the ſtates-general, 'by a letter, that I have writ- 'ten to the field-deputies; and 'he would do the like with re- 'gard to the other potentates, 'that are at war with him, had 'they miniſters near at hand, 'as you are, to receive the like 'intimation, he having no de- 'ſign to exclude any of the ſaid 'potentates from the negotiati- 'on, that ſhall be begun in the 'conferences he propoſes. More- 'over, for advancing a good ſo 'great and neceſſary to Europe, 'which has too long ſuffered the 'inevitable calamities of war, 'he conſents that a place may 'forthwith be choſen between 'the two armies; and after their 'being ſeparated, between Mons 'and Bruſſels, in which you, ſir, 'with whom the intereſts of 'England are ſo ſafely intruſted, 'the deputies, which the States 'ſhall pleaſe to nominate, and 'the perſons, whom the king of 'France ſhall impower, may be- 'gin to treat upon ſo important 'an affair.

'I am extremely pleaſed, ſir, 'to have ſuch an occaſion to 'write you this letter, being 'per-

" into any negotiation of peace but jointly with their allies, 1706.
" and faithfully to communicate to them the propoſals that
" might be made to them, expecting that the allies would do
" no leſs on their part." The

' perſuaded it will leave no room ' to doubt of the ſentiments of ' his moſt chriſtian majeſty, ' which may be ſo beneficial to ' all Europe.

' You will be glad to give an ' account of it to the queen of ' England without loſs of time, ' and to whomſoever elſe you ' ſhall think fit. I ſhall expect ' your anſwer, ſir, to acquaint ' the moſt chriſtian king of it; ' and ſhall be always ready, ſir, ' to do you ſervice.'

Mons, Octob. 21. 1706.

M. EMANUEL, elector.

The duke of Marlborough's anſwer was in theſe terms:

SIR,

' Having communicated to ' the queen, my miſtreſs, what ' your electoral highneſs did me ' the honour to write to me in ' your letter of the 21ſt of laſt ' month, of the intentions of the ' moſt chriſtian king to endea- ' vour to re-eſtabliſh the tran- ' quillity of Europe, by confer- ' ences to be held for that pur- ' poſe between deputies on both ' ſides; her majeſty has com- ' manded me to anſwer your ' electoral highneſs, that as ſhe ' has received with pleaſure the ' notice of the king's inclinati- ' on to agree to the making of ' a ſolid and laſting peace with ' all the allies, being the ſole end ' that obliged her majeſty to ' continue this war till now; ſo ' ſhe will be very glad to con- ' clude it, in concert with all ' her allies, on ſuch conditions, ' as may ſecure them from all ' apprehenſions of being forced ' to take up arms again, after ' a ſhort interval, as has ſo lately ' happened. Her majeſty is alſo ' willing I ſhould declare, that ' ſhe is ready to enter jointly ' with all the high allies, into ' juſt and neceſſary meaſures ' for attaining ſuch a peace; ' her majeſty being reſolved not ' to enter upon any negotiation ' without the participation of ' her ſaid allies. But the way of ' conferences, that is propoſed, ' without more particular de- ' clarations on the part of his ' moſt chriſtian majeſty, does ' not ſeem to her to be proper ' for obtaining a truly ſolid and ' laſting peace. The States-ge- ' neral are of the ſame opinion. ' Wherefore your electoral high- ' neſs will rightly judge, that o- ' ther more ſolid means muſt be ' thought on to obtain ſo great ' an end, to which her majeſty ' will contribute, with all the ' ſincerity that can be wiſhed, ' having nothing ſo much at ' heart, as the relief of her ſub- ' jects, and the tranquillity of ' Europe. Your electoral high- ' neſs will always do me the juſ- ' tice to be perſuaded of the re- ' ſpect, with which I have the ' honour to be, &c.'

Hague, Nov. 26, 1706.

1706. The duke of Marlborough and the penſionary ſpoke very prudently on this occaſion in the Congreſs, and both concluded for the continuation of the war. The miniſters were likewiſe deſired to write to their reſpective courts to exhort them to follow the example of England and Holland, who were reſolved to make a vigorous campaign. The aſſembly was extremely pleaſed with the ſincerity and fairneſs wherewith this communication was made.

The States and the duke had ſeveral weighty reaſons for the communicating theſe proceedings to the miniſters of the allies, ſome of whom were very uneaſy on the apprehenſion, that ſome ſecret negotiation was tranſacting without their knowledge. Beſides, it was ſpread about in Holland by the emiſſaries of France, that the duke of Marlborough, finding his account in continuing the war, would induce the queen of Great-Britain to refuſe to hearken to a reaſonable peace. The ſame thing had been inſinuated in England, and therefore it was proper to demonſtrate the contrary, and to ſhew, that the refuſing to enter into conferences with France was owing to a belief, that a ſolid and laſting peace could not be expected from thence.

The French apply to the pope. Hare.

However the court of France did not ſtop here, but, finding they could not prevail with the king of Sweden, they made a public application to the pope for his mediating a peace. The ſum of their offers, for that purpoſe, was to give up to king Charles either Spain and the Weſt-Indies, or Milan, Naples, and Sicily, with a barrier for the Dutch, and a compenſation to the duke of Savoy for the waſte made in his country. But theſe offers were rejected (a). The court of Vienna was ſo alarmed at the inclinations ſome had expreſſed towards the entertaining this project, that this was believed

The letters between the elector and the field-deputies were of much the ſame tenor.

(a) Dr. Hare, in his piece, intitled, The management of the war, in a letter to a Tory-member, takes notice of the objection, which had been urged by the tories, That a good peace might have been had at the end of the Ramillies campaign. 'Now to decide this queſtion, 'ſays he, we muſt firſt ſettle 'what a good peace is; and, 'in order to that, muſt conſider, 'what it was we went into the 'war for. No body wants to 'be told, that this was chiefly 'to obtain theſe two ends, the 'reſtitution of the Spaniſh monarchy to the houſe of Auſtria, 'and the procuring of a good 'barrier againſt France on the 'ſide of the Netherlands; without which two points there can 'be no ſecurity for Great Bri-'tain

believed to be the ſecret motive of the treaty, the ſucceeding winter, for evacuating the Milaneſe, and of their obſtinately perſiſting, the ſummer after, in their deſigns upon Naples; for by this means they became maſters of both. 1706.

The

'tain that their beſt trade, will 'not be loſt, and with it their 'religion and government, and 'every thing that is dear to 'them. For we ſhould every 'minute be in danger of having 'the bigotry, ſlavery, and po'verty of France forced upon 'us by the exorbitant power 'of that moſt arbitrary prince, 'if he ſhould be ſuffered to 'ſtrengthen himſelf with the 'addition of that vaſt mon'archy, who was before much 'too great for his neighbours; 'to ſay nothing of the ſafety of 'the Dutch, or the liberty of 'Europe.—Now the Spaniſh 'monarchy, the reſtitution of 'which is the firſt article of the 'grand alliance, is known by 'every body to conſiſt, beſides 'the Spaniſh Netherlands, of 'theſe two great parts, of Spain 'and the Indies; and of Milan, 'Naples, and Sicily, with Sar'dinia and the adjacent iſles. 'And a good barrier againſt 'France means, at leaſt, a bet'ter than the Dutch had before; 'which, by the experience of 'fifty years, has been found to be 'much too weak for ſo large a 'frontier; the Spaniſh Flanders, 'and its capital city, Ghent, 'having in truth no cover at all, 'and Brabant but a very poor 'one; while the French being 'intire maſters of the Lys and 'Scheld, both provinces lie ex'poſed to their invaſions. Look 'but on ſome large maps of 'theſe provinces, ſuch as have 'been printed of late years, and 'your eyes will preſently con'vince you of the truth of this. 'But, if this reſtitution and this 'barrier were thought neceſ'ſary, at our entring into the 'war, no body, I preſume, 'will ſay, they are leſs neceſ'ſary now, when ſo much more 'has been done to gain theſe 'ends, than any body at the 'beginning could ever hope to 'ſee. And, if theſe two points 'are neceſſary, then no peace 'without them can be a good 'peace. Let us then compare 'this good peace with what the 'French offered at the end of 'the Ramillies campaign— 'which, in ſhort, was no more 'than this, to give up to the 'allies, which of thoſe two they 'liked beſt, either Spain and 'the Indies, or Milan, Naples, 'and Sicily, &c. which offer was 'unanimouſly rejected. I ſup'poſe, there is no need of prov'ing that the allies ought not 'to have accepted either part 'of this alternative, it being ſo 'ſhort of what, upon our en'trance into the war, was 'thought neceſſary. To have 'been content with a moiety of 'what we went into the war 'for, after ſo many ſucceſſes, 'and not a few ſurprizingly 'great, would have rendered us 'inexcuſable to all poſterity; 'and ſome body, who, we are 'now told, prolongs the war, 'would have been ſaid to have 'been well paid for ſuch a

1706. The duke of Marlborough having now ſettled ſeveral important affairs with the States, particularly the continuing the Heſſian troops in Italy, according to the duke of Savoy's deſire, he embarked for England, and arrived at London the 18th of November, O. S.

The duke of Marlborough returns to England.

As

'peace. It would have been, in 'the language of the faction, 'a plain caſe, we were ſold to 'France, and nothing leſs than 'his head could have atoned 'for it. But, inſtead of proving the abſurdity of accepting 'ſuch a peace, I ſhall ſhew you 'rather, what to every body is 'not ſo plain; and that is, that 'the French were not ſincere: 'They meant nothing by their 'offer, but to amuſe the allies, 'and knew they could not all 'agree to accept either part of 'the alternative; and that England and Holland without the 'emperor, could not take Spain 'and the Indies, were they never ſo much inclined to it. 'For, had the allies hearkened 'to this propoſal, it had been in 'the power of the French to 'have cloſed with which they 'would. Now it is eaſy to ſee, 'what this muſt have ended in. 'For in ſuch partition there is 'no doubt, but, as the Dutch 'and we ſhould have been for 'Spain and the Indies, the emperor would have made the 'other part his choice, which 'is evidently left for him. 'Which part now of the allies, 'in this diviſion would France 'be moſt willing to comply 'with? Or, in other words, 'which part of the monarchy 'would they chooſe of the two 'to quit? A man muſt be blind 'not to ſee, that the part the 'emperor would like beſt to 'have, the ſame France would 'like beſt to part with. Behold 'then the neceſſary conſequence 'of hearkening to ſuch terms: 'The confederacy broken, and 'the maritime powers left to 'ſhift for themſelves, without 'being able to obtain either of 'the parts, when they ought to 'be content, according to the 'terms of the grand alliance, 'with nothing leſs than both. 'Who now, I would fain know, 'have moſt reaſon to complain, 'that theſe offers were rejected, 'the people of London or Vienna? 'They, who might 'have had the part they had 'moſt mind to, if they would 'have abandoned their allies? 'or we, who, it is certain, beſides the infamy of ſo baſe an 'action, could have had nothing? Had the writers, who 'are ſo able at making ſome'thing out of nothing, had their 'lot in Auſtrian ground, what a 'field had there been for them? 'what rare matter to ſhew their 'ſkill in? what ſpecious pretences, without the help of 'ſecret hiſtory, to give out, that 'the emperor was ill-adviſed? 'What! reject ſo advantageous 'an offer, by which ſo great an 'addition of real ſtrength would 'have been made to the houſe 'of Auſtria; and that, at a 'time, when they were ſo unable to carry on the war, when 'the people have been exhauſted with continual wars for

'more

As the duke had by the emperor been inveſted with the principality of Mildenheim, for delivering the empire from the 1706.

'more than thirty years! —— Would not this be the language of the faction, if the ſcene were changed from London to Vienna? And yet we do not hear, that either the emperor, or his people, have hitherto thought it any crime in the miniſters, who would not hearken to thoſe terms. Inſtead of that, all the world think it much for their honour, that they have appeared true to themſelves, and faithful to their allies, in rejecting ſo pitiful and inſecure a peace. And is not this a reproach to us, who ſuffer ourſelves to be deluded by ſuch vile impoſtors, who would perſuade us out of our ſenſes, that half the Spaniſh monarchy is as good as the whole, and that nothing is as good as half. For I have ſhewn, that one half only was offered, and that even that could not be had. It muſt, ſure, to all thinking men be very ſurpriſing, that we only, of all the allies, ſhould complain, that this ridiculous offer of the French was rejected, when we, of all of them, have moſt reaſon to be pleaſed with it.——I muſt beg leave to obſerve one thing further, which is of too much moment to be paſs'd over; and that is, that they, who have done their country ſo much ſervice in rejecting this offer from the French, would have done it ſtill much greater, could they have prevented any regard being given to it. For, though the refuſing theſe terms could do no harm, the hearkening to them, I will ſhew you, did a great deal. The inclination ſome people, of the ſame complexion with the author of the Secret Hiſtory, expreſſed to come to a treaty with the French upon the terms offered, raiſed in the imperial court a jealouſy, that the maritime powers were tampering with France, and making terms for themſelves, to which the intereſt of the houſe of Auſtria was to be ſacrificed. This put that court upon meaſures, that had a fatal influence on the next campaign, and occaſioned the two moſt unfortunate events that have happened all this war. Firſt, this ſuſpicion made them begin and conclude a treaty with the French for evacuating the Milaneſe, without the privity of England and Holland, who did not know one word of the matter. And what do you think was the conſequence of this? Why, it gave the French an opportunity of ſending immediately into Spain a great body of good veteran troops. And it is to this reinforcement ſent the duke of Anjou, that we owe the loſs of the battle of Almanza, which proved ſo fatal to our own affairs on that ſide.——And the ſame jealouſy put the imperial court upon taking another ſtep, no leſs prejudicial to the common cauſe, and that was the expedition to Naples, which they could not be prevailed with to deſer upon the repeated and moſt

1706. the arms of France; ſo he was now no leſs diſtinguiſhed at home by the queen and parliament. For, ſoon after his return,

'moſt preſſing inſtances, that the 'maritime powers made to them 'by their miniſters both at Vi- 'enna and Italy. And the 'conſequence of the expedition 'was, that it not only diverted 'a great part of the troops that 'were to execute the project on 'Toulon, but retarded, for a 'conſiderable time, the march 'of the reſt. And this loſs of 'time, and leſſening of their 'numbers, ſeem to have been 'the chief occaſion of the miſ- 'carriage of that glorious en- 'terprize. Nothing made the 'imperial court ſo obſtinately 'bent on that unhappy expe- 'dition, but the fears they had, 'that Naples, as well as Milan, 'would at the Hague be given 'up to facilitate a peace, which 'they were reſolved to prevent, 'by getting poſſeſſion as ſoon as 'they could. This is all we 'have got by hearkening to 'thoſe offers, which it is now 'thought a great crime we did 'not cloſe with; the loſs of the 'battle of Almanza, and the 'miſcarriage of the project on 'Toulon, the greateſt, moſt 'important, beſt concerted en- 'terprize that was ever entered 'on. And both theſe misfor- 'tunes had, in all probability, 'been prevented, had the offers 'of the French been roundly 'rejected at the firſt, and no oc- 'caſion of jealouſy had, by liſt- 'ening to them, been given the 'imperial court.——After 'ſaying ſo much of that part of 'the offer the French made, 'which concerns the partition 'they propoſed of the Spaniſh 'monarchy, which we ought 'not to have accepted, if we 'could, and could not, if we 'would; there is no need of 'telling you, what barrier was 'offered for the Netherlands, 'which the Dutch were moſt 'concerned in, who do not uſe 'to neglect good offers to come 'at a peace, if we may believe 'the faction, who have for a long 'time pretended to fear nothing 'ſo much as their quitting the 'alliance for their own ſepa- 'rate intereſt. Though now 'the noble firmneſs they have 'ſhewn in adhering to it, till 'terms may be had to the ſatiſ- 'faction of all parties, is by 'theſe ill deſigning politicians, 'who can take every thing by 'a wrong handle, imputed to 'them for a crime. —— That 'this is the whole truth of this 'matter; that theſe, and no 'other, were the offers the 'French made after the Ramil- 'lies campaign;' I will give 'you, beſides theſe already 'hinted, one plain authentic 'proof, which is as good as a 'thouſand demonſtrations; and 'that is a letter of the French 'king to the pope on this ſub- 'ject, writ in the following 'ſpring, when all thoughts of 'peace were at an end, and a 'new campaign was entering 'upon,

This letter was dated at Verſailles, February 15, 1707, and was as follows:

'The care, which your holi- 'neſs continues to take for pro- 'curing the peace of Europe, is 'always equally agreeable to

turn, he received the thanks of both houſes for his eminent ſervices, and the lords addreſſed the queen to ſettle his honours 1706.

'us. We have nothing more 'at heart than to ſecond your 'endeavours; and we would 'even prevent you in any thing 'we could do to make them ef'fectual. As it was not our 'fault, that the war was begun, 'ſo we ſhall ſeek occaſions to 'end it, by the moſt ready and 'eaſy methods. Your holineſs 'has been informed, that we 'have already made frequent 'advances to come to ſo whole'ſome an end. It can be at'tributed only to the misfortune 'of the times, that catholic 'princes, ſtruck with fear of 'diſpleaſing the allies, ſhould 'yet refuſe to hear the holy 'exhortations of the vicar of 'Jeſus Chriſt. When we *left it* 'to the arbitration of your holi'neſs to ſatisfy the rights and 'demands of the *emperor*, by 'a valuable compenſation upon 'ſome parts of the Spaniſh mo'narchy; the miniſtry of your 'holineſs were charged with the 'care of making the propoſal of 'it to that prince. But with 'what haughtineſs did he reject 'it! Having ſaid things exor'bitant, and inſolently demand'ed, that our grandſon ſhould 'be recalled. Who could have 'thought, moſt holy father, that 'he would have made ſo arro'gant a return to an inſulted 'king, to a miniſter of your 'holineſs, and to our love of 'peace? For the conjuncture, 'far from being favourable to 'the houſe of Auſtria, ſeemed 'then to threaten it by the ſupe'riority of our forces, and by 'our gaining the battle of Caſ'ſano. But God, who is the 'maſter of events, changed the 'poſture of our affairs. Yet, 'tho' we were employed with 'the cares of repairing our loſ'ſes, we had ſtill in our minds 'the idea we had conceived of 'peace, at the time even of our 'greateſt proſperity. We re'newed to Holland the offer of 'a barrier for their ſtate, and of 'the ſecurity demanded for their 'trade; reſerving it ſtill to our'ſelves to treat with the em'peror about a compenſation. 'Propoſitions ſo reaſonable were 'again rejected by the intrigues 'of that party, which had ſhew'ed itſelf averſe to the advance'ment of our grandſon. And 'then we employed all our 'thoughts to increaſe our pre'parations for a war, which had 'been violently and unjuſtly de'clared againſt us. Neverthe'leſs, as it becomes us to be obe'dient to the pious exhortations 'of your holineſs; and, to the 'end that our enemies may have 'no pretence to impute to us the 'loſs of ſo much chriſtian blood, 'as is already ſpilt, and now go'ing to be let out, we will give 'your holineſs a plain and frank 'account of the diſpoſition we 'are in for peace. We will there'fore acquaint your holineſs, 'that the king, our grandſon, has 'intruſted us with full power to 'convey the archduke a part of 'thoſe eſtates, that compoſe the 'Spaniſh monarchy. The ca'tholic king has the hearts of 'the true Spaniards, and is con'tent to reign over them. It 'only depends therefore on the 'empe-

1706. nours on his poſterity. This was readily complied with; and an act paſſed to limit his titles and honours to his eldeſt daughter,

'emperor to explain himſelf at 'this time, who may have, if he 'pleaſes, for ever reunited to his 'family the Milaneſe, Naples, 'and Sicily, with the other 'iſlands belonging to Spain, 'that are ſituated in the Medi-'terranean ſea.

'We ſhould eaſily agree a-'bout a barrier for the republic 'of the United Provinces. And 'the two pretences of the war 'being thus removed, it would 'not be difficult to put an end 'to theſe misfortunes, which 'Europe has been ſo long op-'preſſed with.

'We pray God, that he will 'preſerve your holineſs a great 'many years in the government 'of his church.'

Your devoted ſon,
The king of France
and Navare,
Lewis.

The author of the military hiſtory of the late prince Eugene of Savoy, and the late John duke of Marlborough, vol. II. p. 18. tells us, 'That it is not 'certain, what were the true 'reaſons, why the confederates 'did not liſten at this time to 'the propoſals of peace, ſince 'there are juſt reaſons to believe, 'that his moſt chriſtian majeſty 'would have conſented to any 'thing that could have been 'demanded, leſs than an intire 'renunciation of Spain. Nay, 'it is to be wondered, that the 'alliance itſelf was not broke at 'this time, great jealouſies ariſing 'between the Imperialiſts and 'the Dutch, about the conqueſts 'in the Netherlands, the juriſ-'diction being claimed by the 'former, and exerciſed very 'deſpotically by the latter. The 'ſource of this difference lay 'here: It was ſtipulated in the 'grand alliance, that the Dutch 'ſhould firſt have a barrier, and, 'when they were ſafe, the Spa-'niſh provinces were to be de-'livered up to the emperor, or 'the king of Spain. The Impe-'rialiſts were of opinion, that 'the Dutch were now ſafe; and 'demanded therefore, that the 'province of Limburgh, which 'had been reduced the laſt cam-'paign, ſhould be delivered up: 'To which the States returned 'general anſwers, and continued 'to exerciſe their juriſdiction 'as formerly. Count Zinzen-'dorf was pitched on therefore 'by his imperial majeſty, to go 'firſt to the camp, and then to 'the Hague, in order to regulate 'all things with the allies. The 'duke of Marlborough enter-'tained this miniſter very agree-'ably; they converſed together 'on the ſubject of the overtures 'made for peace, and canvaſſed 'the ſeveral neutral powers of 'Europe, in order to find out 'the proper mediation; under 'the auſpice of which a nego-'tiation might be commenced. 'The pope was by no means 'grateful to the proteſtant pow-'ers, nor a grain more in the 'good graces of his imperial 'majeſty. The Venetians ex-'preſſed no great inclination to 'concern themſelves in ſuch a 'buſineſs; and it was thought 'the emperor would not accept 'the mediation of the Swiſs 'Cantons,

daughter, and her male heirs, and then to all his other daughters ſucceſſively, according to their priority of birth, and that Woodſtock-manor and Blenheim-houſe ſhould always go with the titles. And, a few days after, upon the commons addreſs, the queen agreed, that the five thouſand pounds penſion out of the poſt-office ſhould be ſettled on him and his poſterity, in the ſame manner as the town of Woodſtock and the houſe of Blenheim (a). 1706.

The

'Cantons. In the North, the king of Denmark might have been influenced to take on him ſuch a part; but, in regard, that he himſelf had ſome differences to adjuſt, it was doubted, whether a negotiation could be properly carried on through his mediation. Beſides, the only plan, that was talked of on the ſide of the confederates, was the abſolute ceſſion of Spain, and its dependencies, to the houſe of Auſtria, and the erecting the duchy and county of Burgundy into a kingdom, which was to be given to king Philip. The Dutch in general were very much diſpoſed to a peace, but the duke of Marlborough and the imperial miniſter were for continuing the war, that France might be obliged to accept ſuch terms, as would leave it no longer in her power to terrify her neighbours. The anſwer the duke of Marlborough gave to the elector of Bavaria was concerted with, and approved by the imperial miniſter,' And thus all the intrigues of France, for bringing on a negotiation ſomewhere, were abſolutely defeated, though ſhe ſpared no pains to bring them to bear. 'His moſt chriſtian majeſty, however, did not fail to make the moſt he could of a very indifferent game. He applied himſelf aſſiduouſly to the eſtabliſhment of his troops, and to the raiſing money by every method he could take; at the ſame time that his emiſſaries gave out every where, that the preſent war was a war merely of intereſt. That his imperial majeſty carried it on, becauſe he had all things to hope from it, and nothing either to fear or pay: That the leading people in Great-Britain were ſuch, as gained titles and eſtates by the war: And that, in Holland, the penſionary Heinſius, who did all things, was intirely directed by the duke of Marlborough and prince Eugene. If theſe ſuggeſtions were neither agreeable to truth nor to the ſentiments of the people, at the time they were thrown out, yet, by being often repeated, they gained credit at laſt, and occaſioned ſome diſturbances in Holland, and greater in England.'

(a) Six days after his arrival, the duke coming to the houſe of peers, the lord keeper, by direction, made the following ſpeech to him:

My lord duke of Marlborough,

'I

1706. The affairs of Scotland were all this while in a very dangerous ſituation. The intereſt of the pretender (it is ſaid *) increaſed

Affairs of Scotland. *Lockhart. Burnet.

'I am commanded by this 'Houſe to give your grace their 'acknowledgment and thanks 'for the eminent ſervices you 'have done, ſince the laſt ſeſſion 'of parliament, to her majeſty 'and your country, together 'with their confederates, in this 'juſt and neceſſary war. Tho' 'your former ſucceſſes againſt 'the power of France, while it 'remained unbroken, gave moſt 'reaſonable expectation, that 'you would not fail to improve 'them; yet what your grace 'hath performed, this laſt cam'paign, has far exceeded all 'hopes, even of ſuch as were 'moſt affectionate and partial to 'their country's intereſt and 'your glory. The advantages 'you have gained againſt the 'enemy, are of ſuch a nature, 'ſo conſpicuous in themſelves, 'ſo undoubtedly owing to your 'courage and conduct, ſo ſen'ſibly and univerſally beneficial 'in their conſequences to the 'whole confederacy, that to at'tempt to adorn them with 'colouring of words would be 'vain and inexcuſable, and 'therefore I decline it; the ra'ther, becauſe I ſhould certainly 'offend that great modeſty, 'which alone can, and does add 'luſtre to your actions, and 'which, in your grace's exam'ple, has ſucceſsfully withſtood 'as great trials, as that virtue 'has met with in any inſtance 'whatſoever. And I beg leave 'to ſay, that, if any thing 'could move your grace to re'flect with much ſatisfaction 'on your own merit, it would 'be this: That ſo auguſt an aſ'ſembly does, with one voice, 'praiſe and thank you; an ho'nour, which a judgment ſo 'ſure, as that of your grace's, 'to think rightly of every thing, 'cannot but prefer to the oſten'tation of a public triumph.'

The duke's anſwer to this ſpeech was: 'I eſteem this as a 'very particular honour, which 'your lordſhips are pleaſed to 'do me. No body in the world 'can be more ſenſible of it than 'I am, nor more deſirous to 'deſerve the continuance of 'your favour and good opi'nion.'

The day before a committee, appointed by the commons, having attended the duke with the thanks of that houſe for his eminent ſervices to her Majeſty and this kingdom in the laſt campaign, the duke told them, 'If any thing could add to my 'ſatisfaction in the ſervices I 'have endeavoured to do the 'queen and my country, it 'would be the particular notice, 'which the houſe of commons 'is pleaſed to take of them ſo 'much to my advantage.' A little after the lords waited on the queen with an addreſs, importing, 'That having con'ſidered the many great actions, 'which the duke of Marlbo'rough had performed in her 'majeſty's ſervice, ſuch actions, 'as the wiſeſt and greateſt of 'people had rewarded with 'ſtatues and triumphs; they 'were extremely deſirous to ex'preſs the juſt ſenſe they had of 'his merit, in a peculiar and 'diſtin-

increaſed to ſuch a degree, that four parts in five of the nobility and gentry, and above half of the commons over the whole kingdom, expreſſed, on all occaſions, their inclination and readineſs to ſerve that cauſe. Accounts of this 1706.

'diſtinguiſhing manner; and, 'in order to perpetuate the 'memory thereof, to ſettle and 'continue his titles and honours, 'with his right of precedence, 'in his poſterity by act of par'liament. But, having a juſt 'regard for the prerogative of 'the crown, they thought it 'their duty, in the firſt place, 'to have recourſe to her majeſty 'for her royal allowance, before 'any order given for bringing 'in a bill of ſuch a nature; 'and to deſire her majeſty to 'let the houſe know in what 'manner it would be moſt ac'ceptable to her, that theſe ti'tles and honours ſhould be li'mited.' Her majeſty's anſwer to this addreſs was as follows:

ANNE R.

'Nothing can be more ac'ceptable to me than your ad'dreſs. I am intirely ſatisfied 'with the ſervices of the duke 'of Marlborough, and therefore 'cannot but be pleaſed you have 'ſo juſt a ſenſe of them.

'I muſt not omit to take no'tice, that the reſpectful man'ner of your proceeding, in 'deſiring my allowance for 'bringing in the bill, and my 'direction for the limitation of 'the honours, does give me 'great ſatisfaction.

'My intention is, that, after 'the determination of the eſtate 'which the duke of Marlbo'rough now has in his titles 'and honours, the ſame ſhould 'be limited to his eldeſt daugh'ter, and the heirs male of her 'body, and then to all his other 'daughters ſucceſſively, accord'ing to their priority of birth, 'and the heirs male of their 'reſpective bodies, and after'wards in ſuch manner, as may 'effectually anſwer my deſign 'and yours, in perpetuating the 'memory of his merit, by con'tinuing, as far as may be done, 'his titles and name to all his 'poſterity.

'I think it would be proper, 'that the honour and manor of 'Woodſtock, and the houſe of 'Blenheim, ſhould always go 'along with the titles; and 'therefore I recommend that 'matter to your conſideration.'

Then the duke of Marlborough, on this occaſion, ſpoke to the lords in theſe words:

My lords,

'I cannot find words ſuffi'cient to expreſs the ſenſe I 'have of the great and diſtin'guiſhing honour, which the 'houſe has been pleaſed to do 'me in their reſolution, and 'their application to her ma'jeſty. The thoughts of it 'will be a continual ſatisfac'tion to me, and the higheſt en'couragement; and the thank'ful memory of it muſt laſt as 'long as any poſterity of mine.

'I beg leave to ſay a word to 'the houſe in relation to that 'part of her majeſty's moſt 'gracious anſwer, which con-

cerns

1706. this were from time to time tranſmitted to the court of France, who, being much ſtraitened by the ſucceſſes of the confederates, ſeemed more ſincere and hearty than formerly, in promoting the intereſt of the pretender. Colonel Hookes was

'cerns the eſtate of Woodſtock, 'and the houſe of Blenheim. 'I did make my humble requeſt 'to the queen, that thoſe might 'go along with the titles; and 'I make the like requeſt to 'your lordſhips, that after the 'ducheſs of Marlborough's 'death (upon whom they are 'ſettled in jointure) that eſtate 'and houſe may be limited to 'go always along with the ho-'nours.'

The lords readily complied with the queen's and the duke's deſires, and the bill, which was brought in for that purpoſe, had a quick paſſage through both houſes.

On the 7th of January, the commons alſo having taken into conſideration 'the eminent 'ſervices of the duke of Marl-'borough, whereby the glory 'of her majeſty's government, 'the honour and ſafety of the 'kingdom, and the intereſt of 'the common cauſe, had been 'ſo highly advanced,' they agreed upon an addreſs to the queen, wherein they humbly deſired, 'That as her majeſty 'was, at her expence, graci-'ouſly pleaſed to erect the 'houſe of Blenheim as a mo-'nument of his glorious actions; 'and the houſe of peers, by 'her majeſty's permiſſion, had 'given riſe to a law for conti-'nuing his honours to his po-'ſterity; the moſt obedient 'commons might be permitted 'to expreſs their ſenſe of diſtin-'guiſhing a merit, and their 'ready diſpoſition to enable her 'majeſty to make ſome provi-'ſion for the more honourable 'ſupport of his dignity in his 'poſterity, in ſuch manner, as 'ſhould be moſt agreeable 'to her majeſty:' concluding, 'That thus the gratitude of the 'whole kingdom would remain 'upon record to after-ages, and 'encourage others to follow his 'great example.' This addreſs being the next day preſented to the queen by the whole houſe, her majeſty was pleaſed to tell the commons, 'That ſhe was 'very glad they had ſo juſt a 'ſenſe of the repeated ſervices 'of the duke of Marlborough; 'and would conſider of their 'addreſs, and return an an-'ſwer very ſpeedily.'

Accordingly, on the 9th of January, Mr. ſecretary Hedges delivered to the houſe a meſſage ſigned by her majeſty, importing, 'That her majeſty, in 'conſideration of the great and 'eminent ſervices performed by 'the lord Marlborough in the 'firſt year of her reign, as well 'by his prudent negotiation as 'her plenipotentiary at the 'Hague, as by his valour and 'good conduct in the command 'of the confederate armies a-'broad, thought fit to grant to 'him, and the heirs male of his 'body, the title of a duke of 'this realm; and as a farther 'mark of her favour and ſatis-'faction with his ſervices, and 'for the better ſupport of his 'dignity, her majeſty granted

to

was ſent to Edinburgh in 1705, with letters from the French king and the pretender to the duke of Hamilton, and the earls of Errol, Mariſchal, and Hume, exhorting them to concert meaſures for the reſtoration of the exiled royal family; promiſing to aſſiſt the Scots nation in ſo good a deſign, impowering the colonel to receive propoſals, and deſiring them to ſend over to France one fully inſtructed to treat for that purpoſe. This Hookes had been a preſbyterian, and one of the duke of Monmouth's chaplains, when he invaded England; but, whether he was taken priſoner and pardoned, or made his eſcape, it is certain, that, having afterwards turned Roman catholic, and entered into the French ſervice, he had, by this time, raiſed himſelf there to the command of a regiment of foot, and gained ſuch credit at the court of France, as to be appointed to manage their correſpondence with Scotland. In converſation he appeared to be a man of tolerable good ſenſe, and quick parts; but, being withal extremely vain and haughty, and not very circumſpect, the cavaliers and country-party declined admitting him into their private meetings, to propoſe, as he deſigned, their owning the pretender's intereſt, and moving his reſtoration in parliament. They were cautious of confiding in him, becauſe, in all his propoſals, he ſeemed more intent upon raiſing a commotion in the kingdom, and ſo giving a diverſion to the enemies of France, than upon what really tended to advance the pretender's affairs. However, 1706.

'to the ſaid duke, and the 'heirs male of his body, during life, a penſion of five 'thouſand pounds per annum, 'out of the revenue of the Poſt-'office: and an act having 'paſſed this ſeſſion, for ſettling 'the honours and dignities of 'the duke of Marlborough upon his poſterity, and annexing the honour and manor of 'Woodſtock and houſe of Blenheim, to go along with the 'ſaid honours; it would be 'very agreeable to her majeſty, 'if the penſion of five thouſand 'pounds per annum were continued and limited by act of 'parliament to his poſterity, 'for the more honourable ſupport of their dignities; in like 'manner as his honours, and 'the honour and manor of 'Woodſtock and houſe of Blenheim, were already limited 'and ſettled.' The commons very readily complied with this meſſage, and an act paſſed for that purpoſe.

However, a little after, the queen having given him the grant of the royal Meuſe at Charing-croſs (where a ſquare was deſigned to be built and called after his name) the commons, upon a motion being made to confirm this grant, refuſed to do it.

1706. ever, the cavaliers, to whom he delivered his letters and meſſages, told him in general terms, "That they were "willing to do every thing, that could in reaſon be ex- "pected from them; and would, as they were deſired, in "a ſhort time, ſend over one to conſer with king James "(for ſo they ſtiled the pretender) and the king of France." With this anſwer Hookes returned to France; and, the cavaliers, having reſolved to ſend one over, to ſee what aſſiſtance they could depend upon from thence, unanimouſly made choice of captain Henry Stratton, who embarked for France, the very next day after Lockhart returned to Edinburgh, having waited for him, to get a full account of what paſſed at London, in relation to the intended union. Beſides what concerned that treaty, Lockhart was employed to ſift the tories in England, and endeavour to know what they would do, in caſe the pretender came over, and the Scots declared for him; and, having accordingly found means to underſtand the ſentiments of the duke of Leeds, the lord Granville, and ſeveral others, he informed captain Stratton, that the Engliſh tories were much more cautious than the Scots cavaliers; the former being all of opinion, That no attempt ought to be made during the queen's life. Captain Stratton was kindly received in France, but could bring nothing to a concluſion; the battles of Ramillies and Turin having ſo diſconcerted the French king's meaſures, that he was not in a condition to ſpare either men or money for the ſervice of the pretender. However, the pretender told Stratton, "That he longed extremely to be amongſt "his Scots friends;" and obliged him to give him in writing a character of every member of the Scots parliament, as they ſtood affected to him. After this Stratton was diſmiſſed, with fair promiſes from the French king, of doing all in his power in a more favourable conjuncture, and with letters from the pretender to the duke of Hamilton, the earls of Errol and Mariſchal, and the viſcount Stormont. The viſcount had two letters incloſed in his, one to the duke of Athol, the other to the marquis of Montroſe; the firſt of which was delivered, and kindly received; but, the marquis having left the cavaliers, it was thought to no purpoſe to make any attempt upon him, and dangerous to truſt him with ſecrets, which he might diſcover to the miniſters of ſtate; for which reaſon the pretender's letter was not delivered to him.

Upon this encouragement from France, the cavaliers reſolved to ſtand firm, and to exert their utmoſt efforts in the

having ſeſſion of parliament, againſt the ratification of the treaty of union; though, about this time, they ſuſtained a great loſs in the death of the earl of Hume, who was more relied on than any other of his party. 1706.

Before the parliament met in Scotland, the miniſtry there gave ſuch a fair repreſentation of the union, that it was generally reliſhed by the people; but no ſooner did the articles appear in print, but they were as univerſally diſliked. It was viſible, that the nobility of that kingdom ſuffered a great diminution by it; for, though it was agreed that they ſhould enjoy all the other privileges of the peers of England, yet the greateſt of them all, which was voting in the houſe of lords, was reſtrained to ſixteen to be elected by the reſt every new parliament; yet there was a greater majority of the nobility that concurred in voting for the union, than in the other ſtates of that kingdom.

On the 3d of October, the parliament being met, the duke of Queenſberry, the high-commiſſioner, went thither, attended by moſt of the nobility, barons, and other members, and the queen's letter was read as follows: The parliament of Scotland meets.

ANNE R.

My lords and gentlemen,

"SINCE your laſt meeting, we did nominate commiſ- The
"ſioners to treat of an union between our two king- queen's
"doms of Scotland and England, and by their great care letter.
"and diligence, a treaty is happily concluded and laid be-
"fore us.

"We have called you together as ſoon as our affairs
"could permit, that the treaty may be under your conſide-
"ration, in purſuance of the act made in the laſt ſeſſion of
"our parliament there; and we hope the terms will be ac-
"ceptable to you.

"The union has been long deſired by both nations, and
"we ſhall eſteem it as the greateſt glory of our reign to
"have it now perfected, being fully perſuaded, that it muſt
"prove the greateſt happineſs of our people.

"An intire and perfect union will be the ſolid foundation
"of a laſting peace: it will ſecure your religion, liberty,
"and property; remove the animoſities among yourſelves,
"and the jealouſies and differences betwixt our two king-
"doms. It muſt increaſe your ſtrength, riches, and trade:
"and by this union, the whole iſland being joined in affec-
"tion, and free from all apprehenſion of different intereſts,
"will be inabled to reſiſt all its enemies, ſupport the pro-

1706. "teſtant intereſt every where, and maintain the liberties of "Europe.

"We do, upon this occaſion, renew the aſſurances we "have formerly given you, of our reſolution to maintain "the government of the church as by law eſtabliſhed in "Scotland; and the acts of both parliaments, upon which "this treaty proceeded, having reſerved their reſpective "governments of the church in each kingdom, the com-"miſſioners have left that matter intire; and you have now "an opportunity for doing what may be neceſſary for the "ſecurity of your preſent church-government, after the "union within the limits of Scotland. The ſupport of "our government and your own ſafety does require, that "you do make neceſſary proviſion for maintaining the "forces, ſhips, and garriſons, until the parliament of "Great-Britain ſhall provide for theſe ends in the united "kingdom.

"We have made choice of our right truſty and right "intirely beloved couſin and counſellor, James duke of "Queenſberry, to be our commiſſioner, and repreſent our "royal perſon; being well ſatisfied with his fitneſs for that "truſt, from the experience we have of his capacity, zeal, "and fidelity to our ſervice, and the good of his country; "which, as it has determined us in the choice, we doubt "not but will make him acceptable to you.

"We have fully inſtructed him in all things we think "may fall under your conſideration, and ſeem to be neceſ-"ſary at preſent: therefore we deſire that you may give "truſt and credit to him.

My lords and gentlemen,

"It cannot but be an encouragement to you to finiſh the "union at this time, that God almighty has bleſſed our "arms, and thoſe of our allies, with ſo great ſucceſs; "which gives us the nearer proſpect of a happy peace, and "with it you will have the full poſſeſſion of all the advan-"tages of this union. And you have no reaſon to doubt, "but the parliament of England will do what is neceſſary "on their part, after the readineſs they have ſhewn to re-"move what might obſtruct the entering on the treaty. "We moſt earneſtly recommend to you calmneſs and "unanimity in this great and weighty affair, that the union "may be brought to a happy concluſion, being the only "effectual way to ſecure your preſent and future happineſs, "and to diſappoint the deſigns of our and your enemies,

"who

"who will, doubtleſs, on this occaſion, uſe their utmoſt 1706.
"endeavours to prevent or delay this union, which muſt ſo
"much contribute to our glory, and the happineſs of our
"people. And ſo we bid you heartily farewel.

Given at our court at Windſor-caſtle, the 31ſt day of July 1706, and of our reign the 5th year.

By her majeſty's command,

MAR.

This letter was inforced by the ſpeeches of the duke of Queenſberry, and the lord-chancellor Seafield, after which the treaty of union was read, and ordered to be printed, together with the proceedings of the lords-commiſſioners of both kingdoms in relation to that matter; and then the parliament was adjourned to that day fe'ennight.

A powerful party againſt the union.

Her majeſty's miniſters were not inſenſible of the difficulties which they had to encounter in the affair of the union, againſt which, the dukes of Hamilton and Athol, the marquis of Annandale, the earls of Errol, Mareſchal, and Buchan, the lord Belhaven, Mr. Fletcher of Salton, and ſome others, had formed a powerful party. The commiſſioners from the ſhires and boroughs were almoſt equally divided, though, it was evident, they were to be the chief gainers by it. Among theſe the union was agreed to by a very ſmall majority. It was the nobility, that in every vote turned the ſcale for the union: they were ſeverely reflected upon by thoſe who oppoſed it; and it was ſaid, many of them were bought off, to ſell their country and their birthright. All thoſe who adhered inflexibly to the jacobite intereſt, oppoſed every ſtep that was made with great vehemence, for they ſaw that the union ſtruck at the root of all their deſigns for a new revolution. Yet all theſe could not have raiſed or maintained ſo great an oppoſition as was made, if they had not prepoſſeſſed with fears and jealouſies the minds of many among the preſbyterian clergy, who had the greateſt aſcendent over the generality of the laity in Scotland. Among other indications of this temper of the Scots miniſters at this critical juncture, it was taken notice, that, ſome days before the meeting of the parliament, one of duke Hamilton's chaplains propoſed in the general aſſembly of the clergy, "That, before an affair of ſo great importance, as "the union was, came to be debated before the eſtates of "the kingdom, they ought to enter into an aſſociation for "the preſervation of the preſbyterian diſcipline, if the "treaty concluded by the commiſſioners of both kingdoms

1706. "was ratified by the reſpective parliaments." Another miniſter moved, "That a day of faſting and humiliation "ſhould be appointed to ſeek the Lord for counſel in this "arduous affair and time of danger." But theſe two motions were rejected by the majority of voices. Theſe jealouſies of the preſbyterians, leſt their church ſhould ſuffer a change, and be ſwallowed up by the church of England, were infuſed into them chiefly by the old dutcheſs of Hamilton, who had great credit with them: and it was ſuggeſted, that ſhe and her ſon had particular views, as hoping, that, if Scotland ſhould continue a ſeparated kingdom, the crown might come into their family, they being the next in blood after king's James's poſterity. The infuſion of ſuch apprehenſions had a great effect on the main body of that party, who could ſcarce be brought to hearken to, but never to accept of, the offers that were made for ſecuring their preſbyterian government. On the other hand, a great part of the gentry of Scotland, who had been often in England, and had obſerved the protection, which all men had from a houſe of commons, and the ſecurity which it procured againſt partial judges and a violent miniſtry, entered into the union with great zeal. The opening a free trade, not only with England, but with the plantations, and the protection of the fleet of England, drew in thoſe, who underſtood theſe matters, and ſaw there was no other way in view, to make the nation rich and conſiderable. Thoſe who had engaged far into the deſign of Darien, and were great loſers by it, ſaw now an honourable way to be reimburſed; which made them wiſh well to the union, and promote it. But that, which advanced it moſt effectually, and without which it could not have ſucceeded, was, that a conſiderable number of noblemen and gentlemen, who were in no engagements with the court (on the contrary, had been diſobliged and turned out of great poſts, and ſome very lately) declared for it. Theſe kept themſelves very cloſe and united, and ſeemed to have no other intereſt but that of their country, and were for that reaſon called the Squadrone. The chief of theſe were the marquis of Tweedale, the earls of Rothes, Roxburgh, Hadington, and Marchmont. They were in great credit, becauſe they had no viſible biaſs on their minds. Ill uſage had provoked them rather to oppoſe the miniſtry, than to concur in any thing, where the chief honour would be carried away by others. When they were ſpoke to by the miniſtry, they anſwered coldly, and with great reſerve; ſo that it was expected

pected they would have concurred in the oppoſition; and, they being between twenty and thirty in number, if they had ſet themſelves againſt the union, the deſign muſt have miſcarried. But they continued ſilent, till the firſt diviſion of the houſe obliged them to declare; and then they not only joined in it, but promoted it effectually and with zeal. 1706.

There were great and long debates managed on the ſide of the union by the earls of Seafield and Stair for the miniſtry, and of the Squadrone by the earls of Roxburgh and Marchmont; and againſt it by the dukes of Hamilton and Athol, and the marquis of Annandale. The duke of Athol was believed to be in a foreign correſpondence, and was much ſet on violent methods. The duke of Hamilton managed the debate with great vehemence, but was againſt all deſperate notions. He had much to loſe, and was reſolved not to venture all with thoſe, who ſuggeſted the neceſſity of running, in the old Scots way, into extremities: The union for long debated in the Parliament of Scotland.

The topics (1) from which the arguments againſt the union were drawn, were the antiquity and dignity of their kingdom, which was offered to be given up, and ſold: They were departing from an independent ſtate, and going to ſink into a de- Debates about the union. Burnet.

(1) The proceedings more at large upon the three firſt articles, and ſome other particulars, are contained in the following extract:

'The parliament having gone through the firſt reading of the articles, the court party moved, on the 1ſt of November, for a more particular conſideration of the ſame, in order to approve or diſallow them; and, to begin with the * firſt, namely, That the two kingdoms ſhall, May 1, 1707, be united into one. But the oppoſite party moved alſo, That the farther conſideration of the articles ſhould be delayed for ſome conſiderable time, that the ſentiments of the parliament of England about the ſame might be known; and that the members of parliament might conſult thoſe, whom they repreſented. However, after ſome debate, theſe two motions were let fall, and it was agreed, that the firſt article ſhould be read; but that it ſhould be allowed the next ſitting to debate, whether the firſt article ſhould be concluded, by approving thereof, or not; or, if the parliament might not, before the concluding thereof, begin with, or conclude any other of the articles; and, accordingly, the firſt article was read. The next day, there was a debate, 'Whether they ſhould proceed 'immediately to the conſidera- 'tion of the firſt article of the 'union, or the ſecurity of the 'church?' When the vote was preſſed for giving the preference to the firſt article of the union, ſeveral members urged the unrea-

* Firſt article.

1706. a dependency on England; what conditions ſoever might be now ſpeciouſly offered as a ſecurity to them, they could not reaſonableneſs of agreeing to an union, till they had gone through the treaty, and found, that the terms thereof were for the intereſt of Scotland; for if they ſhould, in the firſt place, agree to the ſubverting the monarchy, and ſinking the parliament, which was the purport of the firſt article of the treaty of union: Who could tell but the royal aſſent might be given thereto, and the parliament adjourned; and ſo the nation be united upon no terms, or, at leaſt, upon ſuch, as England ſhould afterwards pleaſe to grant? This argument carrying a great deal of weight, and the houſe appearing generally inclined to take the terms of the union previouſly into conſideration, the lord regiſter found an expedient to remove the difficulty, by propoſing a reſolve, 'That the houſe, in the firſt 'place, proceed to take the 'firſt article of the treaty into 'conſideration, with this pro'viſo, that, if all the other arti'cles of the union were not ad'juſted by the parliament, then 'the agreeing to and approving 'the firſt article ſhould be of no 'effect. And that, immediately 'after the firſt article, the par'liament ſhould proceed to 'an act for the ſecurity of the 'doctrine, diſcipline, worſhip, 'and government of the church, 'as now by law eſtabliſhed.' This being approved by the majority, the lord Belhaven made a long ſpeech, wherein he very pathetically lamented the miſerable and deſpicable condition, into which Scotland was going to fall by the union. In the next ſitting *, after ſome debate, the marquis of Annandale preſented a reſolve againſt an incorporating union; and many of the country-party urged, that ſuch an union was altogether inconſiſtent with the honour of the Scots nation, and deſtructive of its intereſt and concerns, both civil and military. Some went yet farther, affirming that this ſcheme would infallibly be an handle to any aſpiring prince to attempt the overthrow of the liberties of all Britain; for, if the parliament of Scotland could alter, or rather ſubvert its conſtitution, it might be made a precedent for the parliament of Great Britain to do the ſame. And that the repreſentatives of Scotland, being reduced to a poor miſerable condition, would intirely depend upon thoſe, who had the purſe; and, having ſhewn ſo little concern for the ſupport of their own conſtitution, it was not to be expected they would much regard that of any other. The duke of Hamilton ſaid, 'What ſhall we, in half 'an hour, yield what our fore'fathers maintained with their 'lives and fortunes for many 'ages? Are here none of the 'deſcendents of thoſe worthy 'patriots, who defended the li'berty of their country againſt 'all invaders; who aſſiſted the 'great king Robert Bruce, to 'reſtore the conſtitution, and 'revenge the falſhood of Eng'land, and uſurpation of Ba'liol?

* November 4.

not expect that they ſhould be adhered to, or religiouſly maintained in a parliament, where ſixteen peers and forty-five com- 1706.

'liol? Where are the Douglaſſes and Campbels? Where 'are the peers; where are the 'barons, once the bulwark of 'the nation? Shall we yield up 'the ſovereignty and indepen'dency of the nation, when we 'are commanded by thoſe we 'repreſent, to preſerve the ſame, 'and aſſured of their aſſiſtance 'to ſupport us?' He urged a great deal more to the ſame purpoſe; but the court-party called for a vote, which was thus ſtated, Approve of the firſt article of the union, or not. Before the queſtion was put upon it, the duke of Athol gave in a proteſt againſt an incorporating union, as contrary to the honour, intereſt, fundamental laws and conſtitution of the kingdom of Scotland, the birthright of the peers, the rights and privileges of the barons and boroughs, and to the claim of right, property, and liberty of the ſubjects: Which proteſt being read, his grace took the inſtruments thereon, and the ſame was adhered to by the

Duke of Hamilton,
Marquis of Annandale,
Earl of Errol,
Earl Mareſchal,
Earl of Wigtoun,
Earl of Strathmore,
Earl of Selkirk,
Earl of Kincardin,
Viſcount of Stourmont,
Viſcount of Kilſyth,
The lord Semple,
The lord Oliphant,
The lord Balmerino,
The lord Blantyre,
The lord Bargany,
The lord Belhaven,
The lord Colvil,
The lord Duffus,
The lord Kinnaird,
George Lockhart of Carnwath,
Sir James Foulis of Collington,
Andrew Fletcher of Saltoun,
Sir Rober Sinclair of Longfarmacus,
Sir Patrick Home of Rentouh,
John Sinclair, junr. of Stevenſon,
John Sharp of Hoddom,
Alexander Ferguſon of Iſle,
John Briſban of Biſhoptoun,
William Cochran of Kilmarnock,
Sir Hugh Colquhane of Luſs,
J. Grahme of Killcarn,
T. Sharp of Houſton,
Sir Patrick Murray of Auchtertyre,
John Murray of Strawan,
James More of Stonywood,
David Beaton of Balfour,
Thomas Hope of Rankeiller,
Patrick Lyon of Auchterhouſe,
James Carnegie of Phinhaven,
David Grahme, junr. of Fintrie,
James Ogilvie, junr. of Boyn,
George Mackenzie of Inchoulter,
Alexander Robertſon,
Walter Stuart,
Alexander Watſon,
Alexander Edgar,
John Black,
James Oſwald,
Robert Johnſtoun,
Alexander Duff,
Francis Molleſon,
Walter Scott,
George Smith,
Robert Scott,
Robert Kellie,
John Hutchinſon,

William

1706. commoners could not hold the balance, against above an hundred peers and five hundred and thirteen commoners.

Scotland

William Sutherland,
Archibald Shields,
John Lyon,
George Spence,
William Johnſtoun,
John Carruthers,
George Home,
John Bayne,
Robert Frazer.

Then the vote was put, Approve of the firſt article of the union in the terms of the motion (beforementioned) yea, or not; and it was carried Approve by a majority of thirty-four voices. Then it was moved, that the liſt of all the members of parliament, as they voted pro and con, be printed, which was agreed to. After which an overture for an act for ſecurity of the true proteſtant religion and government of the church, as by law eſtabliſhed, within the kingdom of Scotland, was read, and afterwards paſſed by a majority of ſeventy-four votes. However the lord Belhaven gave in a proteſtation, importing, 'That this act was no valid ſecurity to the church, in 'caſe of an incorporating union; and that the church 'could have no real and ſolid 'ſecurity by any manner of 'union, by which the claim 'of right was unhinged, the 'Scots parliament incorporated, and the diſtinct ſovereignty and independency intirely aboliſhed.' To this proteſtation adhered the dukes of Hamilton and Athol, the marquis of Annandale, the earls of Errol, Mareſchal, Wigtoun, and others.

* Two days after, the ſecond article of the union (namely, That the ſucceſſion to the monarchy of the united kingdom of Great Britain ſhall be to the princeſs Sophia and her iſſue) was read, and a motion was made, 'That the parliament 'ſhould proceed to ſettle the 'ſucceſſion upon regulations 'and limitations in the terms of 'the reſolve mentioned in the 'minutes of the 4th of Novem'ber, and not in the terms of 'the ſecond article of the u'nion.' This was warmly oppoſed by the court-party, who urged, that the parliament of Great Britain would be more competent judges of what was neceſſary for the good of the united kingdoms, than that houſe. To which it was anſwered, 'That any limitations 'made by the parliament were 'alterable by a ſubſequent par'liament: But if, as was by 'ſome alledged, the articles of 'union were to be punctually 'obſerved in all future ages, 'and nothing to be altered in 'them, without demoliſhing the 'whole ſtructure; then it fol'lowed, that it was the gene'ral intereſt of all Britain, to 'have ſuch limitations as were 'neceſſary to be put upon the 'ſucceſſion to the crown, in'ſerted in the articles of union, 'particularly in what related to 'Scotland, whoſe repreſenta'tives could but act precari'ouſly in the parliament of 'Great-Britain.' In the height of this debate it was moved, 'To addreſs her majeſty to lay be-

* Second article, Nov. 14.

Scotland would be no more considered as formerly by foreign princes and states: Their peers would be precarious 1706.

and

before her the condition of the nation, and the aversion in many persons to an incorporating union with England, and to acquaint her with the willingness of the house to settle the succession in the protestant line upon limitations; and, in order thereto, that a short recess might be granted. But this was opposed, and a vote demanded upon the second article, which at last was stated. But, before voting, the earl Mareschal gave in a protest for himself and all those who should adhere to his protestation, importing, that no person could be designed a successor to the crown of that realm, after the decease of her majesty, and failing issue of her body, who was successor to the crown of England, unless that in the present session of parliament, or any other session of this or any ensuing parliament, during her majesty's reign, there were such conditions of government settled and enacted, as might secure the honour and sovereignty of that crown and kingdom, the frequency and power of parliament, the religion, liberty, and trade of the nation from any English or any foreign influence. To this protestation, forty-six members having adhered, it was agreed, that a list of the members should be printed, as they voted, Approve, or not? And that they who adhered to the protest, should likewise be marked. Then the vote was put, Approve, or not? And it was carried, Approve, by fifty-nine votes.

On the 18th of November, the third article (namely, that both kingdoms shall be represented by one and the same parliament) falling under consideration, the country-party endeavoured to shew the dishonour and prejudice, that would arise to the Scots nation from this single article, urging, 'that thereby they did, in effect, sink their own constitution, when the English would not allow the least alteration in theirs: That the members of Scotland in the British parliament would bear so small a proportion to the English, that it could not be expected, that the former should ever be able to carry any thing, that should be for the interest of Scotland, against so great a majority, who, though divided among themselves about different parties, would yet unite against the Scots, to whom they all bore a natural antipathy. That in all nations there are fundamentals, which admit of no alteration by any power whatsoever. That the rights and privileges of parliament being one of these fundamentals among the Scots, no parliament, nor any other power, could ever legally prohibit the meeting of parliaments, or deprive any of the three estates of its right of sitting or voting in parliament; or give up the rights and privileges of parliament; but that, Third article.

by

1706. and elective: They magnified their crown with the other regalia ſo much, that, ſince the nation ſeemed reſolved never to

'by this treaty, the parliament 'of Scotland was intirely abrogated, its rights and privileges given up, and thoſe of 'the parliament of England 'ſubſtituted in their place. 'That, if the parliament of 'Scotland could alter their fundamentals, the Britiſh parliament might do the ſame; and 'if ſo, what ſecurity had the 'Scots for any thing ſtipulated 'in the treaty of union, with 'reſpect either to the repreſentation of Scotland in that parliament, or any other privileges and immunities granted 'to Scotland? That though 'the legiſlative power in parliament were regulated and 'determined by a majority of 'voices; yet the giving up 'the conſtitution, and the rights 'and privileges of the nation, 'was not ſubject to ſuffrage, 'being founded on dominion 'and property; and therefore 'could not be legally done, 'without the conſent of every 'perſon, who had a right to 'elect, and be repreſented in 'parliament. That, by this 'treaty, not only the conſtitution of the parliament in general was wholly altered, or 'rather given up, but the barons and boroughs were aggrieved in their particular 'rights and privileges. For 'ſuppoſing the twenty-ſecond 'article, which limits the 'number of Scots peers, barons, and boroughs, ſhould 'be rejected; yet, nevertheleſs, the barons and boroughs 'were ſtill deprived of their 'judicial authority, to which 'they had an undoubted right, 'and of which the parliament 'could not deprive their conſtituents, without their own conſent. That though the barons, for their own conveniency, conſented to be repreſented by a certain number 'in parliament, yet they had 'as good a right to ſit, and 'vote, and adviſe their ſovereign, as the peers themſelves, 'whenever they pleaſed to reaſſume their power, of which 'the third and twenty-ſecond 'articles deprived them. And, 'laſtly, it was repreſented, that 'the Scots members being 'obliged to reſide ſo long in 'London to attend the Britiſh 'Parliament, that alone were 'ſufficient to drain Scotland of 'all their money in ſpecie.' And it was moved, 'That the 'agreeing to the third article, 'in relation to the parliament 'of Great Britain, ſhould not 'be binding, nor have any 'effect, unleſs terms and conditions of an union of the two 'kingdoms, and particularly 'the conſtitution of the ſaid 'parliament, were finally adjuſted and concluded, and an 'act paſſed thereupon in the 'parliament; and that the ſaid 'terms and conditions be alſo 'agreed to and ratified by an act 'of the parliament of England; 'the conſtitution of the parliament of Great Britain being left 'entire, until the parliament 'came upon the twenty-ſecond 'article.' It was moved alſo, to proceed to the conſideration of the fourth and other articles

of

to ſuffer them to be carried away, it was provided, in a new clauſe added to the articles, that theſe ſhould ſtill remain 1706.

of the union before the third; but it was carried to proceed to the conſideration of the third article. After a long debate, a vote was ſtated, Approve of the third article, in the terms of the motion relating thereto, or not? And it was carried Approve, by a majority of thirty-one votes. But, before voting, the marquis of Annandale gave in a proteſt, and deſired, that the narrative of the 4th of that month of November might be prefixed thereto, being both together as follows: viz. 'Whereas it evidently appears, ſince the printing, publiſhing, and conſidering the articles of treaty now before this houſe, that this nation ſeems generally averſe to the incorporated union, in the terms now before us, as ſubverſive of the ſovereignty, fundamental conſtitution, and claim of right of this kingdom, and as threatning ruin to this church, as by law eſtabliſhed: And ſince it is plain, that if an union was agreed to in theſe terms by the parliament, and accepted of by the parliament of England, it would in no ſort anſwer the peaceable and friendly ends propoſed by an union, but would, on the contrary, create ſuch diſmal diſtractions and animoſities amongſt ourſelves, and ſuch jealouſies and miſtakes betwixt us and our neighbours, as would involve theſe nations into fatal breaches and confuſions. Therefore I do proteſt for myſelf, and in the name of thoſe, who ſhall adhere to this my proteſtation, that an incorporating union of the crown and kingdom of Scotland with the crown and kingdom of England, and that both nations be repreſented by one and the ſame parliament, as contained in the articles of the treaty of union, are contrary to the honour, intereſt, fundamental laws and conſtitution of this kingdom, is a giving up the ſovereignty, the birth-right of the peers, the rights and privileges of the barons and boroughs, and is contrary to the claim of right, property, and liberty of the ſubjects, and the third act of her majeſty's parliament, 1703, by which it is declared high-treaſon in any of the ſubjects of this kingdom, to quarrel, or endeavour by writing, malicious and adviſed ſpeaking, or open act or deed, to alter or innovate the claim of right, or any article thereof. As alſo that the ſubjects of this kingdom, by ſurrendering the ſovereignty of parliaments, are deprived of all ſecurity, both with reſpect to ſuch rights, as are by the intended treaty ſtipulated and agreed, and in reſpect of ſuch other rights, both eccleſiaſtical and civil, as are, by the ſame treaty, pretended to be reſerved to them. And therefore I do proteſt, that this ſhall not prejudice the being of future Scots parliaments and conventions, within the king-

1706. main within the kingdom. They inſiſted moſt vehemently on the danger, that the conſtitution of their church muſt be

'kingdom of Scotland, at no 'time coming.' To this pro-'teſt fifty-two members ad-'hered. The next eighteen ar-'ticles, from the fourth to the twenty-firſt, paſſed without any 'thing very remarkable; but 'before the houſe came to the twenty-ſecond article, which 'ſettles the number of the re-'preſentatives of Scotland in the 'Britiſh parliament, duke Ha-'milton, having aſſembled the 'leading men of the party, who 'had long oppoſed the union, 'exhorted them, 'Not to look 'back upon what might have 'been done amiſs by any 'amongſt them, but to go for-'wards, and now at laſt to unite 'their efforts to ſave the nation, 'which ſtood on the very brink 'of ruin.' After all, who were preſent, had declared their concurrence, let the conſequences be what they would, he propoſed, 'That the marquis of 'Annandale ſhould renew his 'motion for ſettling the ſuc-'ceſſion of the crown upon the 'houſe of Hanover; and, as 'it was not to be doubted, but 'the ſame would be rejected, 'that then a proteſtation ſhould 'be entered and adhered to by 'all, who were againſt the 'union, who, immediately af-'ter, ſhould in a body ſeparate 'from the other members, and 'leave the houſe, never to re-'turn again.' And that, in 'the next place, a national ad-'dreſs ſhould be forthwith ſign-'ed by as many hands as poſ-'ſible, and diſpatched to the 'queen; urging, that, of all 'meaſures, this was the moſt 'likely to prevail with the Eng-'liſh to let the union drop.' And then he offered the draught of the intended proteſtation, which had been put into his hands by the marquis of Annandale, but was thought to have been drawn up by Sir James Stuart, the queen's advocate. The perſons preſent, moſt of whom were profeſſed Jacobites, having deſired a day or two to take the propoſal into conſideration before they came to a final reſolution, the duke of Hamilton was, in the mean time, at no ſmall pains to convince them of the reaſonableneſs of this counſel. The greateſt difficulty, with ſome, was the mentioning their concurrence to ſettle the ſucceſſion on the houſe of Hanover, which they ſaid was a kind of obligation upon them to have recourſe to that family, to protect them in oppoſing the union; whereas their deſign was to reſtore the pretender to the Throne, which they thought the preſent ferment among the people would much advance. To this the duke of Hamilton returned, 'That this could 'draw no obligation upon them 'to adhere to the intereſt of the 'houſe of Hanover, ſince they 'did not proteſt againſt the mo-'tion's being rejected; and, 'even ſuppoſing it were other-'wiſe, it was not the firſt time 'they had made greater 'ſtretches, with a deſign, that 'good might come of it; and 'he hoped this would be the 'laſt. For, added he, this 'bold

be in, when all ſhould be under the power of a Britiſh parliament: This was preſſed with fury by ſome, who were 1706.
known

bold proteſtation, backed by the ſeparation, will not only confound the Engliſh, but likewiſe encourage our countrymen, and engage them to ſupport us. And, for my part, I am of opinion, that, if the Engliſh do not deſiſt from proſecuting the union, we muſt have recourſe to arms, and call over the king; nor do I doubt but the nation will concur with us, to ſave themſelves from utter ruin.' By theſe arguments and conſiderations all were brought over, and at the next meeting declared their approbation; promiſing to adhere to the proteſtation, which, it was taken for granted, the duke of Hamilton would preſent; only the duke of Athol could by no reaſons be prevailed upon to adhere to the proteſtation, on account of the clauſe relating to the houſe of Hanover; but he engaged to join with the reſt in leaving the houſe, and concerting further meaſures. All things being thus adjuſted, and the next day appointed for the execution, great numbers of gentlemen and eminent citizens flocked that morning about the parliament-houſe, to wait the iſſue, and, in caſe of need, to aſſiſt the ſeparating members. But all their hopes were ſoon defeated; for the duke of Hamilton, pretending to be ſeized with a violent tooth-ach, refuſed to go to the houſe. Some of his friends having boldly expoſtulated with him about his fluctuating and ambiguous conduct, which bore ſo near a reſemblance to that of his grandfather, in the reign of king Charles I, he was at laſt prevailed with to go to the parliament-houſe; but, notwithſtanding all the preſſing inſtances his friends made to engage him to preſent the intended proteſtation, he ſtill refuſed to do it, and only promiſed to be the firſt adherer. So much time was therefore ſpent in this private conteſt among the cavaliers, that the opportunity was loſt, and in a few days, great numbers of thoſe who had ſtrenuouſly oppoſed the union left the houſe in deſpair; ſo that, when the 22d article came to be read and debated, it met with little or no oppoſition. Only, before approving the firſt paragraph, Mr. George Lockhart of Carnwath entered a proteſt, with relation to the privileges of the barons; as the duke of Athol did another, relating to the ſeveral branches of that article; the earl of Buchan a third, with relation to the rights of the peers; Sir Walter Stuart of Pardouan a fourth, in behalf of the peers, barons, and boroughs; the earl of Errol a fifth, with relation to his hereditary office of high-conſtable; and the earl of Mariſchal a ſixth, in relation to his hereditary office of earl-marſhal of Scotland. The earl of Marchmont inveighed and proteſted in very ſevere terms againſt theſe proteſtations, as preſumptuous, illegal, unwarrantable, and ſeditious; after which, the

firſt

1706. known to be the moſt violent enemies to preſbytery, of any in that nation: But it was done on deſign, to inflame that body

firſt paragraph of the twenty-ſecond article was approved by a majority of forty voices; and then the ſecond paragraph, relating to the calling the repreſentatives of Scotland to the parliament of Great-Britain, was alſo approved with ſome amendments.

On the 8th of January it was moved in parliament, that the proteſts given in the former ſitting by the duke of Athol, earl of Buchan, George Lockhart of Carnwath, and Walter Stuart, ſhould be neither inſerted in the minutes, nor printed; and the earl of Marchmont gave in a proteſtation againſt theſe four proteſts, and the lord-chancellor, the marquis of Montroſe, preſident of the council, the duke of Argyle, the marquiſſes of Tweedale and Lothian, and moſt of the well-affected to the union, adhered thereto. The next day, the lord Balmerino gave in a proteſtation againſt that of the earl of Marchmont, to which the duke of Hamilton and his party adhered; and after ſome debate it was agreed, that none of theſe proteſts be inſerted at length in the minutes, or printed, but that they be all recorded in the books of parliament. Then, the third paragraph of the twenty-ſecond article being approved, the remaining part of the article was read, and after ſome reaſoning, and reading of the oaths, to which it relates, an oath was given in for an additional clauſe, for explaining the word limitation, mentioned in the oath appointed to be taken by Stat. 13. Will. III. cap. 6; as alſo an overture for exempting perſons in any office or employment in Scotland, from taking the oath of abjuration mentioned in the article. A third overture was alſo given in for a clauſe, importing, 'That, ſo long as the 'act appointing the ſacramental teſt ſhall continue in force 'in England, all perſons in 'public truſt, within the limits 'of Scotland, ſhall ſwear, and 'ſign a Formula thereto ſubjoined, in manner, and under 'the penalty therein mentioned.' After reading theſe three overtures, and reaſoning thereon, a vote was ſtarted, Approve of the twenty-ſecond article of union as explained, or not? But before voting it was agreed, that, notwithſtanding the vote, and that the article ſhould thereby be approved, it ſhould nevertheleſs be intire and free afterwards to proceed on the overtures next ſitting, and to the parliament to give their ſentiments thereon: And, it being thereupon moved to adjourn the vote for approving the article till next ſitting, a previous vote was ſtated, Proceed or delay: And it was carried, Proceed. Then the vote being put, Approve the twenty-ſecond article, as explained, or not, it was carried Approve.

On the 10th of January, the overture for exempting perſons in any office or employment in Scotland from taking the oath of abjuration, mentioned in the twenty-ſecond article of union, being

body of men by thoſe apprehenſions, and ſo to engage them to perſiſt in their oppoſition. To allay that heat, after the general 1706.

being read, and dropped, the overture for an additional clauſe to the twenty-ſecond article, for explaining the word limitation, mentioned in the oath appointed to be taken by 13 Will. III. cap. 6, was again read, viz. 'Like as it is declared, that, 'by the word limitation in the 'oath mentioned in the above 'article, is only underſtood, en- 'tail of the ſucceſſion, and not 'the conditions of government 'upon the ſucceſſor; and that 'all perſons of Scotland, who 'may be liable to take the oath, 'ſwear it in that ſenſe only.' But, after ſome debate, the vote being put for adding the ſaid clauſe, it was carried in the negative. Then the third overture for a clauſe to be added to the twenty ſecond article, mentioned in the minutes of the laſt ſitting, was again read in theſe terms: 'And further it is a- 'greed, that, ſo long as that 'part of the ſecond act, Anno '5°, cap. 20, appointing a 'ſacramental teſt, ſhall ſtand 'and continue in force in Eng- 'land,' all perſons in public 'truſts, civil or military, with- 'in the limits of Scotland, ſhall 'ſwear, and ſign the formula 'underwritten, within 6 months 'after the commencement of 'the union; and all, who ſhall 'be admitted to any public 'truſt thereafter, ſhall, before 'the exerciſing their office of 'truſt, ſwear and ſubſcribe the 'ſame, to be adminiſtered by 'the lords of the privy-council, 'or any one of them, under the 'like penalties and diſabilities, 'as are provided by the afore- 'ſaid act, made in the parlia- 'ment of England.' The Formula was thus: 'I, A. B. do 'ſincerely declare, in the pre- 'ſence of God, that I own the 'preſbyterian' government of 'the church, as by law eſta- 'bliſhed in Scotland, to be a 'lawful government of the 'church; and that I ſhall ne- 'ver, directly nor indirectly, 'endeavour the ſubverſion 'thereof, nor any alteration in 'the worſhip, diſcipline, or 'government of the church, as 'by law eſtabliſhed: So help 'me, God.' But, after ſome debate, this clauſe was re- jected by a majority of thirty-five voices. Then the twenty-third article of union was read, and, on the 13th of January, an overture was given in, for adding a clauſe thereto, in theſe words: 'With this ex- 'preſs prohibition, that none 'of the peers of Scotland ſhall 'have perſonal protection with- 'in Scotland, for any debt ow- 'ing before the commencement 'of the union.' As alſo, an- other overture, for adding a clauſe, importing, 'That all 'the peers of that part of 'Great-Britain, called Scot- 'land, qualified according to 'law, ſhould, after the union, 'have the right to ſit covered 'in the houſe of peers of Great- 'Britain, notwithſtanding that 'the right to give vote there- 'in belongs only to the ſixteen 'peers, who were ſummoned 'in the manner appointed by 'the preceding article.' After

1706. general vote was carried for the union, before they entered on the conſideration of the particular articles, an act was prepared

reaſoning upon theſe two overtures, and upon two ſeparate motions, the firſt in relation to allowing all the peers of Scotland to ſit upon the trial of the peers of Britain; and the other in relation to their precedency according to their patents; the vote was ſtated in theſe terms, Approve the twenty-third article of union, or alter, reſerving intire the conſideration of the above two overtures, and whether the ſame ſhall be added to the article; and it was carried, Approve. Then the firſt overture for the clauſe in relation to perſonal protection, and the ſecond clauſe in relation to all the peers of Scotland ſitting covered in the houſe of peers of Great-Britain, were debated, and both ſeverally rejected.

Jan. 14. The next day, the twenty-fourth article was read; whereupon a memorial was given for Lyon king at arms, in relation to his precedency; which being read and debated, it was at laſt agreed, that his rank ſhould be left to her majeſty. There was another clauſe offered to be added to the twenty-fourth article, 'That the crown, ſcepter, and 'ſword of ſtate, records of parliament, and all other records, 'rolls, and regiſters whatſoever, both public and private, 'general and particular, and warrants thereof, continue to 'be kept, as they are, in that part of the united kingdom, 'now called Scotland; and that 'they ſhall ſo remain in all 'times coming, notwithſtanding the union.' Which being read, was agreed to be added, and was accordingly ſubjoined, and the article, thus amended, read over and approved; as was alſo the twenty-fifth article, without any oppoſition.

On the 15th of January, the draught of an act, ratifying and approving the treaty of union of the two kingdoms of Scotland and England, was given in, and offered to be read: Whereupon it was moved, that the parliament ſhould firſt proceed to the conſtitution of the manner of electing the repreſentatives for Scotland to the parliament of Great-Britain; and either now determine that matter, or appoint a day for that end, After debate the vote was ſtated, 'Proceed to the ra-'tification of the treaty of uni-'on, and act for ſecurity of 'the proteſtant religion and 'preſbyterian church govern-'ment, or to the conſtitution of 'the manner of electing the 'repreſentatives of Scotland.' But, before voting, it was agreed, that, in caſe it ſhould be carried to proceed to the ratification, the parliament would immediately after paſſing the act of ratification, proceed to the conſtitution of the manner of electing the repreſentatives for Scotland. Then the vote being put, it was carried to proceed to the ratification. After which, the draught of the act, ratifying, approving, and at length narrating the articles of union, as enlarged, explained, and amended, and the act of ſecurity of the proteſtant religion,

prepared for ſecuring the preſbyterian government: By which it was declared to be the only government of that church, unalterable in all ſucceeding times, and the maintaining it was declared to be a fundamental and eſſential article and condition of the union; and this act was to be made a part of the act for the union, which, in the conſequence of that, was to be ratified by another act of parliament in England. Thus thoſe, who were the greateſt enemies to preſbytery, of any in the nation, raiſed the clamour of the danger that form of government would be in, if the union went on, to ſuch a height, that by their means this act was carried, as far as any human law could go, for their ſecurity: For, by this, they had, not only all the ſecurity that their own parliament could give them, but they were to have the faith and authority of the parliament of England, it being, in the ſtipulation, made an eſſential condition of the union: The carrying this matter ſo far was done, in hopes that the parliament of England would never be brought to paſs it. This act was paſſed, and it gave an intire ſatisfaction to thoſe who were diſpoſed to receive any; but nothing could ſatisfy men, who made uſe of this, only to inflame others. 1706.

The

ligion, and preſbyterian church-government, was read; and, after ſome diſcourſe, a firſt reading was marked thereon. * The next day, the act was read a ſecond time; and then the act for ſecurity of the proteſtant religion, and preſbyterian church government, inſerted in, and ratified by that act, was touched with the royal Scepter. Immediately after this, there was laid before the houſe a repreſentation and petition of the church of Scotland, importing, 'That being informed, that 'the parliament were paſſing 'an act of ratification of the 'articles of the treaty of union, 'declaring, that the parliament 'of England might provide for 'the ſecurity of the Church of 'England, as they ſhould think 'expedient, to take place with 'the kingdom of England, and 'not derogating from the ſecu-'rity provided for the church 'of Scotland: Which clauſe 'ſeemed to them not only to be 'like a blank, put into the 'hands of the parliament of 'England, to exact what they 'ſhould think fit, for ſecuring 'the hierarchy and ceremonies 'of their church; but alſo a 'conſent, that it be an article 'and fundamental of the union; They therefore beſought 'the high commiſſioner and the 'eſtates of parliament, that 'there be no ſuch ſtipulation 'or conſent for the eſtabliſh-'ment of that hierarchy and 'ceremonies, as they would 'not involve themſelves, and 'the Scots nation, in guilt, and 'as they conſulted the peace 'and quiet of that nation 'both in church and ſtate.' An act for the ſecurity of the preſby-

* January 16.

1706. The party, who oppoſed the union, finding the majority againſt them, ſtudied to raiſe a ſtorm without doors, to terrify them. A ſet of addreſſes againſt the union were ſent round all the countries, in which thoſe, who oppoſed it, had any intereſt. There came up many of theſe in the name of counties and boroughs, and at laſt from pariſhes. This made ſome noiſe abroad, but was very little conſidered there, when it was known, by whoſe arts and practices they were procured. When this appeared to have little effect, pains were taken to animate the rabble to violent attempts, both at Edinburgh and at Glaſgow. About two or three thouſand commoners came in arms to Dumfries, and publicly burnt the articles of union, and affixed on the market-croſs a declaration of their reaſons for ſo doing. Sir Patrick Johnſton, lord provoſt of Edinburgh, had been one of the commiſſioners, and had concurred heartily in the deſign. A great multitude gathered about the houſe, and were forcing the doors, on deſign, as was believed, to murder him; but guards came and diſperſed them. Upon this attempt, the privy council publiſhed a proclamation, the next day, againſt tumults, and gave orders for quartering the guards within the town. But, to ſhew that this was not intended to overawe the parliament, the whole matter was laid before them, and the proceedings of the privy-council were approved. Although no perſon of diſtinction appeared among the rioters, yet it was no difficult matter to gueſs from what quarter that diſturbance came, ſince, at the ſame time, that they inſulted the high-commiſſioner, and other well-wiſhers to the union, they attended the duke of Hamilton with loud acclamations, as he paſſed the ſtreets to and from the parliament. However, no other conſiderable attempt was made after this; but the body of the people ſhewed ſo much ſullenneſs, that probably, had any perſon of authority once kindled the fire, they ſeemed to be of ſuch combuſtible matter,

Addreſſes againſt the union.

Tumults in Edinburgh and other places.

preſbyterian church government in Scotland, having already been paſſed, this repreſentation was, by all ſober men, looked upon as frivolous and impertinent; and therefore, after the duke of Argyle had given in a proteſtation for his privilege of the firſt vote in parliament, which was oppoſed by a counter-proteſt from the duke of Hamilton, the act for ratifying and approving the treaty of union, &c. was approved by a majority of one hundred and ten voices, and touched with the royal Scepter.

matter, that the union might have caſt that nation into great convulſions (1). Theſe things made great impreſſions upon 1706. the

(1) The common people are ſaid to have been ſo enraged, that they threatned to come up in a body to Edinburgh, and diſſolve the parliament. But none ſhewed more zeal on this occaſion than the weſtern ſhires, where a vaſt number of people, and chiefly the Cameronians, were willing to venture their all to oppoſe the union; for which purpoſe they had ſeveral meetings, divided themſelves into regiments, choſe their officers; provided themſelves with horſes, arms, and ammunition; mentioned the reſtoration of the king, as the only means to ſave their country; were ſo far reconciled to the northern parts, and epiſcopal party (whom they formerly hated on account of their different principles in religion) that they were inclined to concert meaſures with them, and had appointed correſpondents in all places throughout the kingdom to ſtrengthen and encourage their party, and to feel the pulſe of thoſe members of parliament, who were againſt the union. There was one Cunningham of Echet, who had been very forward in promoting the late revolution; but upon the peace of Ryſwich, the regiment, whereof he was major, being broke, he went to Darien, and, after the ruin of that enterprize, returning to Scotland, he lived privately and meanly at his country houſe. He had made frequent applications for an employment, but though new levies were made, upon the war breaking out again, he could never obtain to be provided for in the army, which he aſcribed to his having been employed by the Darien company, and at which he was not a little diſguſted. As he waited for an opportunity to ſhew his reſentment, he was ſoon known to the weſtern agents, and, being of the preſbyterian principles, intirely truſted by them. Having concerted meaſures with Mr. Briſbane of Biſhoptown, Mr. Cochrane of Kilmarnock, and Mr. Lockhart of Carnwath, three ſtaunch cavaliers, who aſſured him, that the duke of Hamilton approved his deſign of bringing up the Cameronians to diſſolve the parliament, and that the duke of Athol readily undertook to cauſe his Highlanders to ſecure the paſs of Stirling, to open a communication with the northern parts, major Cunningham took a progreſs through the weſtern ſhires, and, by his dextrous management, brought things to ſuch a conſiſtency, that ſeven or eight thouſand men, well armed, were ready to rendezvous at the town of Hamilton, in order to march forwards to Edinburgh under his command. But, a day or two before they were to meet, the duke of Hamilton, without acquainting any of thoſe who had concerted this deſign, ſent privately expreſſes through the whole country, ſtrictly requiring them to put it off till another time; ſo that not above five hundred, more forward than the reſt, came to the place

1706. the duke of Queenſberry, and on ſome about him. He deſpaired of ſucceeding, and he apprehended, that his perſon might

appointed, which intirely broke major Cunningham's meaſures. What induced the duke of Hamilton to act as he did on this occaſion, the Scotch memorialiſt, who was privy to the deſign, leaves undetermined, acquainting us, 'That ſome ſwore 'he had made his terms with 'the court; others ſaying, that 'he was afraid to venture by 'reaſon of his eſtate in England; and that the only thing 'that was alledged in his behalf, was, that he thought 'the nation was not in a condition to carry on ſuch an enterprize at that time, becauſe 'the Engliſh had ſent their 'troops to the borders, and 'more forces might ſoon be 'wafted over from Holland, 'and ſo the Scotch nation be 'undone.' But Fletcher of Salton uſed to declare to his friends, that this conduct of the duke fully convinced him of his treachery to his party. This project of diſſolving the parliament, carried on by Cunningham, having miſcarried, the party bethought themſelves of another expedient to prevent the union, which was (according to a precedent in the minority of James the fifth) to invite as many of the barons, freeholders, and heretors, as could poſſibly be got, to Edinburgh, that they might in a body attend the lord high-commiſſioner, and (by a prolocutor) intreat his grace, either to lay aſide the intended union, or, at leaſt, to grant a receſs, until they had informed the queen of the preſent temper and diſpoſition of the nation, and obtained an order for calling a new parliament, to provide againſt the calamities that were like to enſue: And, whether, his grace granted, or refuſed this demand, they reſolved that a national addreſs, to that purpoſe, ſhould be ſigned, and forthwith ſent up to the queen. This counſel came firſt from the duke of Athol, and Mr. Fletcher of Salton; and, being reliſhed and recommended by the duke of Hamilton, was generally approved by the cavaliers, who acquainted their friends in the country with the deſign, and deſired them to come privately to Edinburgh, againſt a certain prefixed day. In the mean time, Mr. Henry Maul, brother to the earl of Panmure, was pitched upon for the prolocutor; and the form of an addreſs to the queen concerted and agreed to, by all who were in the ſecret; wherein they made it their moſt humble ſupplication to her majeſty, that ſhe would be graciouſly pleaſed to diſcountenance this treaty, and call both a new parliament and a general aſſembly of the church of that kingdom. Againſt the day appointed, above five hundred gentlemen were actually come to Edinburgh, and many more were upon the road. But, the very next day, the duke of Hamilton acquainted thoſe in concert with him, That, unleſs they added a clauſe to the addreſs, intimating their readineſs to ſettle the ſucceſſion in the ho ſe

might be in danger. A friend of his wrote to the lord-treaſurer Godolphin, repreſenting the ill temper the nation was generally in, and moved for an adjournment, that ſo, with the help of ſome time and good management, thoſe difficulties, that ſeemed then inſuperable, might be conquered. The lord-treaſurer's anſwer was, that a delay was, upon the matter, laying the whole deſign aſide. Orders were given both in England and Ireland to have troops ready upon call; and, if it were neceſſary, more forces ſhould be ordered from Flanders. The French were in no condition to ſend any aſſiſtance to thoſe, who might break out: ſo that the circumſtances of the time were favourable. The lord Godolphin deſired therefore, that they would go on, and not be alarmed at the fooliſh behaviour of ſome, who, whatever might be given out in their name, he believed, had more wit than to ruin themſelves (a). Every 1706.

ſtep

houſe of Hanover, he would by no means be concerned in it; urging, that, without ſuch a clauſe, the Engliſh tories, who (it was expected) would oppoſe the union in the Engliſh parliament, could have no foundation to go upon. This objection was no ſmall ſurprize to the cavaliers, who generally looked upon it as intended to break the deſign; ſince the duke of Hamilton could not be ignorant, that the far greater part of the gentlemen, who were come up to Edinburgh, would never conſent to ſuch a clauſe. Two or three days being ſpent in endeavouring to make up this difference, the country gentlemen grew weary of ſpending their time and money to no purpoſe, ſo that many of them returned home; and the government, having been informed of the deſign, reſolved to put an effectual ſtop to it.

(a) Beſides the precautions uſed to preſerve the public tranquillity, and protect the well-affected from the inſults of the malecontents, other methods were employed to remove the obſtacles which the union met with in the houſe. The lord Godolphin prevailed with the queen to lend her Scots treaſury the ſum of twenty thouſand pounds, which the earl of Glaſgow is ſaid to diſtribute to the beſt advantage, and for which he, ſome years after, accounted with the commiſſioners of public accounts. Lockhart gives a liſt of the perſons, to whom, the earl declared upon oath, he diſtributed the money.

	l.	s.	d.
To the earl of Marchmont	1104	15	7
To the earl of Cromarty	300	00	0
To the lord Preſton-Hall	200	00	0

1706. ſtep that was made, and every vote that was carried, was with the ſame ſtrength, and met with the ſame oppoſition: both parties giving ſtrict attendance during the whole ſeſſion, which laſted three months. Many proteſtations were printed, with every man's vote. In concluſion, the whole articles of the treaty were agreed to, with ſome ſmall variations.

Death of the earl of Stair. The earl of Stair, who had all along exerted himſelf with great zeal in favour of the union, and who, though much indiſpoſed, came on the 7th of January to the parliament-houſe, and maintained the debate upon the twenty-ſecond article, died ſuddenly the next night, his ſpirits being quite exhauſted by the length and vehemence of the debates. He was ſon of Sir James Dalrymple, formerly preſident of the ſeſſion, and afterwards created viſcount and earl of Stair. He was ſucceeded in honour and eſtate by his ſon the lord John Dalrymple.

As

To the lord Ormiſtoun, lord juſtice-clerk	200	00	0
To the duke of Montroſe	200	00	0
To the duke of Athol	1000	00	0
To the earl of Belcarres	500	00	0
To the earl of Dunmore	200	00	0
To the lord Anſtruther	300	00	0
To Mr. Stuart, of Caſtle-Stuart	300	00	0
To the lord Elphinſton	200	00	0
To the lord Frazer	100	00	0
To the lord Ceſnock, now Polwarth	50	00	0
To Mr. John Campbel	200	00	0
To the earl of Findlater	100	00	0
To Sir Kenneth Mackenzie	100	00	0
To the earl of Glencairne	100	00	0
To the earl of Kintore	200	00	0
To the earl of Forfar	100	00	0
To John Muir provoſt of Aire	100	00	0
To the lord Forbes	50	00	0
To the earl of Seafield, lord chancellor	490	00	0
To the marquis of Tweedale	1000	00	0
To the duke of Roxburgh	500	00	0
To the lord Ellibank	50	00	0
To the lord Bamf	11	02	0
To major Cunningham of Echet	100	00	0
To the meſſenger that brought down the union	60	00	0
To Sir William Sharp	300	00	0
To Patrick Coultrain, provoſt of Wigtoun	25	00	0
To Mr. Alexander Wedderburn	75	00	0
To the commiſſioner for equipage and daily allowance	12325	00	0
	20540	17	4

As ſoon as the act for ratifying the treaty of union was paſſed, the next buſineſs which the parliament went upon, was the preparing an act for ſettling the manner of electing the ſixteen peers and forty-five commoners, to repreſent Scotland in the parliament of Great-Britain; and on the 22d of January, the queſtion was put, Whether the ſixteen peers ſhould be ſent by rotation or election? And it was carried by election. And then upon the queſtion, Whether the election ſhould be by balloting, or by open election? It was carried for the latter. It was alſo debated, what proportion the ſhires and boroughs ſhould have of the forty-five members, that were to ſit in the houſe of commons of Great-Britain; and it was agreed, that thirty ſhould be the number for the ſhires, and fifteen the number for the boroughs. It was reſolved, that the borough of Edinburgh, by itſelf, ſhould have one repreſentative; and then a ſcheme, dividing the boroughs into fifteen diſtricts, one of which was to have one repreſentative, was given in, read, and approved. 1706. The manner of electing the ſixteen peers.

On the 31ſt of January, the parliament proceeded to conſider the motion for allowing the commiſſioners for the treaty of union their expences; and a reſolve was brought in, for allowing each nobleman twelve thouſand pounds Scots, and each other commiſſioner ſix thouſand pounds; their ſecretary four thouſand eight hundred pounds; and to each of the three accountants two thouſand four hundred pounds Scots, out of the equivalent, pari paſſu, with public debts, after the African company: which, after ſome debate, was approved. Then it was moved and agreed, That the commiſſioners for the treaty in 1702, ſhould likewiſe be allowed their expences; viz. each nobleman five hundred pounds; each baron three hundred pounds; and each borough two hundred pounds ſterling: which ſums were declared to be a public debt, and referred to the committee to ſtate the ſame as ſuch. After this it was moved, "That no repreſentative to the parliament of Great-"Britain, either for ſhire or borough, ſhould have any al-"lowance for their charges in attending the ſame." But, this being adjourned to the next ſitting, on the 3d of February, it was then reſolved, "That nothing in relation to the ex-"pences of the repreſentatives of ſhires and boroughs, "ſhould be inſerted in the act for ſettling the manner of "electing the ſixteen peers, and forty-five commoners." Then it was moved, "That at all meetings of the peers "for electing their repreſentatives, ſuch peers as were ab-

"ſent,

1706. "sent, be allowed to vote by proxy; the parties being "peers, and they and their constituents being qualified by "taking the oaths required by law. And then the absent peers "might either vote by their proxies, or by sending up a "list subscribed by them." And, after reasoning thereon, it was carried for allowing proxies. Afterwards it was agreed, that the meeting of the peers for the election, should be at any place the queen should appoint within the kingdom of Scotland; as also, that, in case of the decease or promotion of any of the forty-five commoners, to be chosen by this session of parliament to the parliament of Great-Britain, the district, for which he was a member, upon a writ directed to them for that effect, should chuse another in his place. And it was agreed likewise, that, in case of the decease of any of the sixteen peers, the peers should meet and elect another in the room of the deceased, upon a writ directed to them for that purpose. Then it was moved, That such peers of Scotland, who were also peers of England, who, after the union, should be created peers of Great-Britain, should have no vote in the election of the sixteen peers from Scotland to the parliament of Great-Britain: and, after some debate, it was agreed, that nothing, in relation to this motion, should be inserted in the act. It was also agreed, that, when the commissioners for boroughs, who should meet for electing their representatives, should happen to be equal, the president of the meeting should have the casting vote; and that the commissioners for the eldest borough, should preside at the first meeting, and the commissioners for the other boroughs by turns, as the
Feb. 5. boroughs were then called in the rolls of parliament. After this, the act for settling the manner of election was approved and confirmed by the touch of the royal sceptre. The same day, a proclamation concerning the coin was brought in from the committee, read, voted, and approved. A few days after, the house proceeded to elect the representatives for Scotland in the first parliament of Great-Britain; and, the three estates having retired to their usual places, they returned, and reported their respective elections. As it was resolved, that the parliament of England should sit out its period, which by the law for triennial parliaments, ran yet a year farther, in order to have another session continued of the same men who had made the union (since they would more readily consolidate and strengthen their own work) so, upon this ground, it seemed most proper, that the members to represent Scotland should be named by

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the parliament there. Thoſe who had oppoſed the union, carried their averſion to the Squadrone ſo far, that they concurred with the miniſtry in a nomination, in which very few of them were included, not above three peers, and fifteen commoners; ſo that great exceptions lay againſt many who were nominated to repreſent that kingdom: all this was very acceptable to the oppoſers of the union (a). 1706.

The remainder of the ſeſſion was ſpent, among other affairs, in examining the accounts of the African and Indian company, and providing for the due application of the equivalent. In diſpoſing of this ſum, great partialities appeared, which were much complained of, but there was not ſtrength to oppoſe them. The miniſtry, and thoſe who depended on them, moved for very extravagant allowances to thoſe who The parliament of Scotland is adjourned.

(a) Theſe repreſentatives were:

For the LORDS,

The duke of Queenſberry.
The earl of Seafield, chancellor.
The marquis of Montroſe, lord-keeper of the privy-ſeal.
The marquis of Tweedale.
The marquis of Lothian.

EARLS,

Mar, Loudon, Crawford, Sutherland, Roxburgh, Wemyſs, Leven, Stair, Roſeberry, Glaſgow, Ilay.

For the BARONS,

W. Niſbet, of Dirletoun.
John Cockburne, jun. of Ormiſtoun,
Sir W. Ker, of Greenhead,
Sir John Swintoun, of that Ilk.
W. Bennet, of Grubbet.
Archibald Douglas, of Cavers,
Mr. J Murray, of Bowhill.
Mr. J. Pringle, of Haining.
W. Morleſon, of Preſton-Grange.
Geo. Baillie, of Jerviſwood.
Sir John Johnſtoun, of Weſterhall.
Mr. J. Stuart, of Sorbie.
Mr. F. Montgomery, of Griſtan.
W. Dalrymple, of Glenmure.
Sir R. Pollock, of that Ilk.
John Haldon, of Glenargies.
Mungo Graham, of Gorthy.
Sir D. Ramſay, of Balmain.
Sir Tho. Burnet, of Leys.
W. Seatoun, jun, of Pitmedden.
Alexander Grant, of that Ilk, jun.
Hugh Roſs, of Kilravock.
Sir K. Mackenzie, of Cromarty.
Mr. J. Campbel, of Mammore.
Sir J. Campbel, of Auchinbrek.
Ja. Campbel, of Arkinlaſs.
Ja. Halyburton, of Pitcurr.
A. Abercrombie, of Glaſſoch.
A. Douglaſs, of Eagleſhaw.
John Bruce, of Kinroſs.

For the BOROUGHS,

Sir Pat. Johnſtoun.
Lieut. col. John Erſkine.
Hugh Montgomery.
James Scot.
Sir John Erſkine.
Mr. P. Moncreif, of Ready.
Sir Andrew Home.
Sir Peter Halket.
Sir James Smollet.
Sir David Dalrymple.
Mr. John Clerk.
Mr. Patrick Ogilvie.
George Allardice.
Daniel Campbel, Eſq;
Mr. Alexander Maitland.

1706. who had been employed in this laſt, and in the former treaty; and they made large allotments of ſome public debts, that were complained of as unreaſonable and unjuſt; by which a great part of the ſum was diverted from anſwering the end for which it was given. This was much oppoſed by the Squadrone; but as the miniſters promoted it, and thoſe who were to get by it, made all the intereſt they could to obtain it (ſome few of them only excepted, who, as became generous patriots, ſhewed more regard to the public, than to their private ends) ſo thoſe who had oppoſed the union, were not ill pleaſed to ſee this ſum ſo miſapplied: hoping, by that means, that the averſion which they endeavoured to infuſe into the nation againſt the union, would be much increaſed; therefore they let every thing go as the miniſters propoſed, to the great grief of thoſe who wiſhed well to the public (a).

Mar. 25. The buſineſs of the ſeſſion being ended, the high-commiſſioner went to the parliament-houſe in great ſolemnity, being attended by the whole troop of life-guards, and all the nobility and gentry in their coaches, and, having touched with the royal ſcepter ſeveral acts, made the following ſpeech to the parliament:

"My lords and gentlemen,

"THE public buſineſs of this ſeſſion being now over, it is full time to put an end to it. I am perſuaded, "that we and our poſterity will reap the benefit of the "union of the two kingdoms; and, I doubt not, but, as "this

(a) The commiſſioners appointed (June 6, 1707) under the ſeal of Great Britain, for managing the equivalent, were:
Sir Andrew Hume.
William Dalrymple, of Glenmure, Eſq;
Sir Robert Sinclair, of Stevenſon.
Sir Thomas Burnet, of Leys.
Sir John Erſkine, of Alva.
Sir James Campbel, of Aberurhill.
Sir John Swintoun, of Swintoun.
Sir James Smollet, of Bowhill.
Sir Patrick Johnſtoun, late provoſt of Edinburgh.
Sir Francis Grant, advocate.
George Baillie, of Jerviſwood.
John Halden, of Glenargies.
John Bruce, of Kinroſs.
William Seaton, of Pitmedden, jun.
John Clark, of Pennycock, jun.
Alexander Abercromby, of Glaſſoch.
Mungo Graham, of Gorthy.
John Pringle, of Haining.
John Graham, of Dougalſton.
—— Douglaſs, of Kellhead.
Daniel Campbel, of Aintenne, Eſqrs.
Sir John Cope, Knt
Jacob Reynardſon
John Bridges.
James Houblon, Eſqr

" this parliament has had the honour to conclude it, you 1706.
" will, in your ſeveral ſtations, recommend to the people
" of this nation a grateful ſenſe of her majeſty's goodneſs
" and great care for the welfare of her ſubjects, in bringing
" this important affair to perfection; and that you will
" promote an univerſal deſire in this kingdom, to become
" one in heart and affections, as we are inſeparably joined
" in intereſt with our neighbour nation.

My lords and gentlemen,

" I have a very deep ſenſe of the aſſiſtance and reſpect I
" have met with from you in this ſeſſion of parliament;
" and I ſhall omit no occaſion of ſhewing, to the utmoſt
" of my power, the grateful remembrance I have of it."

The parliament being adjourned to the 22d of April, the duke returned to the queen's palace in the ſame ſolemnity as he went to the houſe, and gave a ſplendid entertainment to the nobility and gentry. The day before, the draught of a letter from the parliament to the queen was brought in, voted, and approved; and, the duke having thus happily concluded this ſeſſion, and ſurmounted all the difficulties which he met with, he ſet out, a few days after, for London, where he arrived the 16th of April, being met ſeveral miles out of town by many noblemen and gentlemen in their coaches, to the number of above forty, and by near four hundred perſons on horſe-back. The next morning he waited upon the queen at Kenſington, where he was very graciouſly received.

THE

THE HISTORY OF ENGLAND.

BOOK XXIX. CHAP. IV.

The ſecond ſeſſion of the queen's ſecond parliament.—Debates in the houſe of lords about the union.—The queen's ſpeech about it.—Debates about the articles of it.—A bill for enacting the union.—Queen's ſpeech at paſſing the union-bill.—Ill uſe of the 4th and 6th articles prevented.—Remarks on the union.—The parliament reviv'd by proclamation.—Changes and promotions.—Convocation would have oppoſed the union, but prevented.—Expectations of the next campaign not anſwered.—Milaneſe evacuated.—Affairs of Spain.—The battle of Almanza.—Affairs of Germany.—The duke of Marlborough goes to the king of Sweden.—His character—and proceedings.—Campaign in Italy.—Conqueſt of Naples.—Deſign upon Toulon fails.—Remarks on it.—Sir Cloudeſly Shoval drowned.—Affairs at ſea.—King of Pruſſia adjudged prince of Neufchatel.—Marriages of the kings of Spain and Portugal.—An attempt to carry off the dauphin.—Affairs of Ireland.—Proceedings with regard to Scotland.—A new party at court.—The firſt parliament of Great-Britain.—Complaints of the admiralty.—Reſolutions to make the union more complete.—Act of ſecurity repeal'd.—Debate about the affairs of Spain.—The queen addreſſed to make peace without the reſtitution of Spain.—The French prophets.—Correſpondence with France diſcover'd.—Gregg tried and executed.—Inquiry into the affairs of Spain.—Proceedings about Scotland.—Harley quits, and is ſucceeded by Boyle.—Deſcent upon Scotland deſign'd.—Preparations againſt it.—Remark on the variation of the queen's ſtile in her ſpeeches.—Engliſh forces march to Scotland.—Report ſpread by the French.—Parliament diſſolved.—Death and character of Sir Edward Seymour.—The firſt privy-council of Great-Britain.—Lord Griffin ordered for execution, but reprieved.—The duke of Marlborough goes to Holland.

1706.

IT was the general opinion, and perhaps the firſt reſolution of the court, that the parliament of England ſhould not ſit, till that of Scotland had finiſhed the affair of the union; but, that drawing into a great length, and the queen's occaſions not admitting of delays, the parliament of England, which, on the 21ſt of November, had been further prorogued to the 3d of December, met that day at Weſtminſter; and the queen, being come to the houſe of peers with the uſual ſolemnity, made the following ſpeech to both houſes: The ſecond ſeſſion of the ſecond parliament of Q. Anne.

My lords and gentlemen,

"I Hope we are all met together at this time with hearts truly thankful to almighty God, for the glorious ſucceſſes with which he has bleſſed our arms and thoſe of our allies, through the whole courſe of this year; and with ſerious and ſteady reſolutions to proſecute the advantages we have gained, till we reap the deſired fruit of them in an honourable and durable peace. The queen's ſpeech. Pr. H. C. III. 45.

"The goodneſs of God has brought this happy proſpect ſo much nearer to us, that, if we be not wanting to ourſelves, we may, upon good grounds, hope to ſee ſuch a balance of power eſtabliſhed in Europe, that it ſhall no longer be at the pleaſure of one prince to diſturb the repoſe, and indanger the liberties of this part of the world.

"A juſt conſideration of the preſent poſture of affairs, of the circumſtances of our enemies, and the good diſpoſition of our allies, muſt needs excite an uncommon zeal, and animate us to exert our utmoſt endeavours at this critical conjuncture.

Gentlemen of the houſe of commons,

"As I am fully perſuaded you are all of this mind, ſo I muſt earneſtly deſire you to grant me ſupplies ſufficient for carrying on the war next year in ſo effectual a manner, that we may be able to improve every where the advantages of this ſucceſsful campaign. And I aſſure you, I ſhall make it my buſineſs to ſee all you give applied to thoſe ends with the greateſt care and management.

My lords and gentlemen,

"In purſuance of the powers veſted in me by act of parliament, both in England and Scotland, I appointed commiſſioners to treat of an union between the two kingdoms. And though this be a work of ſuch a nature, as could not but be attended with great difficulties, yet ſuch has been the application of the commiſſioners, that they have

"concluded

1706. "concluded a treaty, which is at this time before the parliament of Scotland; and, I hope, the mutual advantages "of an intire union of the two kingdoms will be found so "apparent, that it will not be long before I shall have an "opportunity of acquainting you with the success which it "has met with there.

"Your meeting at this time being later than usual, I "cannot conclude, without earnestly recommending to you "to give as much dispatch to the public affairs, as the na-"ture of them will admit, it being of the greatest conse-"quence, that both our friends and our enemies should be "fully convinced of your firmness, and the vigour of your "proceedings."

This speech was received with uncommon applause both within and without doors; and, two days after, each house, in a body, attended the queen with their congratulatory addresses. The lords, in particular, took notice of "the "universal joy and satisfaction, upon the public declaration, "which her majesty, in concert with the States-general, "made to the ministers of the other confederate princes, "that no negotiations of peace should be entered into, but "in conjunction with all the members of the grand alliance: "which generous method would prevent the indirect and "dangerous practice of the common enemy; put a stop to "clandestine and corrupt transactions; and must not only "remove all present jealousies from the allies, but create "in them a lasting confidence and reliance on her majesty's "honour and justice." This was intended to keep the queen steady to the measures, which had been suggested to her by the duke of Marlborough and the lord-treasurer Godolphin, upon a well-grounded surmise, that Mr. secretary Harley, who had, by this time, insinuated himself very deep into the queen's confidence, endeavoured to infuse pacific counsels; which were more agreeable to the queen's temper, and more suitable to his own ambitious designs. The commons, on their part, passed also a compliment on the ministry, by telling the queen, "That the experience they "had of the prudent administration, and the great care "and management in the application of the public aids, "encouraged them to assure her, that they would chear-"fully give such speedy and effectual supplies, as, by the "continuance of God's blessing upon her arms, might "establish the balance of power in Europe by a safe ho-"nourable, and lasting peace." To both these addresses, the queen returned very gracious answers.

Pursuant

Purſuant to their promiſe, the commons proceeded on the ſupply with all imaginable diſpatch. In leſs than a week they voted the neceſſary ſums for the fleet and army, granted an aid of four ſhillings in the pound upon all lands, and continued the duties upon malt. Upon preſenting theſe money-bills, the ſpeaker of the commons made a ſpeech to her majeſty, importing, "That as the glorious victory obtained by the duke of Marlborough at Ramillies was ſo ſurpriſing, that the battle was fought before it could be thought the armies were in the field; ſo it was no leſs ſurpriſing, that the commons had granted ſupplies to her majeſty, before her enemies could well know that her parliament was ſitting." And the queen, on her part, made a ſpeech to both houſes, wherein having repeated to them "her great ſatisfaction in their ſeveral addreſſes, in "the zeal they had expreſſed in them for her ſervice, and "the common cauſe of Europe, which could not fail of "being a great encouragement to all their allies, and in "the notice they had taken of the eminent ſervices of the "duke of Marlborough;" ſhe thanked the "commons, in "a very particular manner, for the more than uſual diſ-"patch of the bills of ſupply." (a)

1706. Supplies granted. The ſpeaker's ſpeech on that motion. Pr. H. C. III. 47.

The

(a) The creations and promotions at this time were as follows: Towards the middle of December the queen was pleaſed to create Henry, earl of Kent, lord-chamberlain of her houſhold, viſcount Goderick in the county of Hereford, earl of Harrold in the county of Bedford, and marquis of Kent. A few days after her majeſty was alſo pleaſed to create Robert, earl of Lindſey, lord-great-chamberlain of England, marquis of Lindſey in the county of Lincoln; Evelyn, earl of Kingſton, marquis of Dorcheſter in the county of Dorſet; Thomas, lord Wharton, viſcount Winchendon in the county of Bucks, and earl of Wharton in the county of Weſtmoreland; John, lord Poulet, of Hinton St George in the county of Somerſet, earl Poulet; Sidney, lord Godolphin, lord-high-treaſurer of England, viſcount Rialton, and earl of Godolphin in the county of Cornwall; Hugh, lord Cholmondely, viſcount Malpas, and earl of Cholmondeley in the county of Cheſter; Henry, lord Walden, ſon and heir apparent of Henry, earl of Suffolk, baron of Cheſterfield in the county of Eſſex, and earl of Bindon in the county of Dorſet; the lord-keeper, a peer of this kingdom by the name and title of William, lord Cowper, baron of Wingham in the county of Kent; and Sir Thomas Pelham, Bart likewiſe a peer by the name and title of lord Pelham, baron of Laughton in the county of Suſſex.

1706. The queen closed the year with two triumphal processions. At the request of the city of London, she ordered, that the standards and colours taken at the battle of Ramillies, and which were lately brought from the Netherlands, should be put up in Guildhall, as trophies of that victory. This was done with great solemnity on the 19th of December. Soon after the queen having, by proclamation, appointed a general thanksgiving for the great successes of her arms, and those of her allies, the last campaign, she went to the cathedral of St. Paul's, attended by both houses of parliament, the great officers of state, the judges, and other public officers. The bishop of Salisbury preached the sermon upon this occasion. The same day both houses adjourned themselves to the 7th of January, and at their meeting again the commons thanked the bishop for his sermon.

The standards taken at the battle of Ramillies carried to Guildhall.

Dec. 19. Thanksgiving observed.

Dec. 31.

Debate in the house of Lords about the union.

Hitherto every thing had gone very smoothly in both houses of parliament; but, on the 10th of January, the earl of Nottingham acquainted the house of peers, that he had something of great consequence to lay before them; and therefore desired, that they would name a day to receive it in a full house. The lords having appointed the Tuesday following, and ordered their members in and about London to attend; the earl of Nottingham, in a set-speech, represented to them, "That the union of the two kingdoms of "England and Scotland was a matter of the highest impor- "tance, and a work of so much difficulty, that all the at- "tempts that had been made towards it in the last century, "had proved ineffectual. That, the parliament of Scot- "land having thought fit to secure the presbyterian church- "government in that kingdom, it became the wisdom of "the parliament of England to provide betimes against the "dangers, with which the church, by law established, was "threatened, in case the union was accomplished. And "therefore he moved, that an address be presented to the "queen, humbly to desire her majesty, that the proceed- "ings, both of the commissioners for the treaty of union, "and of the parliament of Scotland, relating to that matter, "be laid before them." He was seconded by the earl of Rochester, who declared, "That he was for an union, and "had been so for twenty years past; but that he had a few "doubts in the matter, and therefore was for entering upon "the debate of that important affair as soon as possible." The duke of Buckingham spoke to the same purpose, adding, "That the union of both kingdoms had been upon

Pr. H. L. II. 166.

"the anvil ſince the acceſſion of king James I. to the Engliſh throne; and as it could not be expected, that ſo weighty a matter, which took up ſo much time and labour before, ſhould now be compleated in a few days, therefore he was for taking it forthwith into conſideration." 1706.

The treaſurer Godolphin anſwered, "That this affair was not yet ripe for them to debate; and that they need not doubt, but that her majeſty would communicate to the parliament of England all the proceedings relating to the union as ſoon as that of Scotland ſhould have gone through with it." The lords Wharton, Sommers, and Hallifax ſpoke on the ſame ſide, and urged, "That it was an honour to this nation, that the treaty of union ſhould firſt come ratified from the parliament of Scotland; and that then and not before, was the proper time for the lords to take the ſame into conſideration." The other party finding, that they were too weak to carry a queſtion, the earl of Nottingham's motion was dropped.

Though the grant of the ſupplies went on quicker than uſual, there was one particular, to which great objections were made. When ſeveral accounts and eſtimates were laid before the commons, in relation to monies, either advanced to the duke of Savoy and king Charles of Spain, or expended in the expedition under the earl Rivers, it was found that theſe extraordinary ſupplies amounted to about eight hundred thouſand pounds more than had been provided for by parliament. Some complained of this, and ſaid, if a miniſtry could thus run the nation into a great charge, and expect the parliament muſt pay the reckoning, this might have very ill conſequences. But it was anſwered, a miniſtry deſerved public thanks, who had followed our advantages with ſuch vigour: If any thing was raiſed without neceſſity, or ill applied, under pretence of ſerving the public, it was very reaſonable to inquire into it, and to let it fall heavy on thoſe who were in fault: But, if no other exception lay to it, than becauſe the matter could not be foreſeen, nor communicated to the parliament before thoſe accidents happened that occaſioned the expence, it was a very unjuſt diſcouragement, if miniſters were to be quarrelled with for their care and zeal: So it was carried by a majority of two hundred and fifty voices againſt one hundred and five, that the ſeveral ſums, for the extraordinary ſervices of the year 1706, had been expended for the preſervation of the

1706. duke of Savoy, for the intereſt of king Charles of Spain againſt the common enemy, and for the ſafety and honour of the nation. All the other ſupplies (and among them the equivalent for Scotland) were given and lodged on good funds, ſo that no ſeſſion of parliament had ever raiſed ſo much, and ſecured it ſo well, as this had done.

1706-7. By this time the act of the parliament of Scotland, for ratifying the treaty of union, was ſent up to London. Upon which the queen (Jan. 28.) came to the houſe of peers, and made the following ſpeech to both houſes:

The queen's ſpeech concerning the union. Pr. H. C. IV. 53.

" My lords and gentlemen,

" HAving acquainted you, at the opening of this ſeſſion, " that the treaty for an union between England and " Scotland, which had been concluded here by the com- " miſſioners appointed for that purpoſe, in purſuance of " the powers given by the parliaments of both kingdoms, " was then under conſideration of the parliament of Scot- " land; I can now, with great ſatisfaction, inform you, " that the ſaid treaty has been ratified by act of parliament " in Scotland, with ſome additions and alterations.

" I have directed the treaty, agreed to by the commiſ- " ſioners of both kingdoms, and alſo the act of ratification " from Scotland, to be laid before you; and I hope it will " meet with your concurrence and approbation.

" Gentlemen of the houſe of commons,

" It being agreed by this treaty, that Scotland is to have " an equivalent for what that kingdom is obliged to con- " tribute towards paying the debts of England, I muſt re- " commend to you, that, in caſe you agree to the treaty, " you would take care to provide for the payment of the " equivalent to Scotland accordingly.

" My lords and gentlemen,

" You have now an opportunity before you of putting " the laſt hand to a happy union of the two kingdoms; " which, I hope, will be a laſting bleſſing to the whole " iſland, a great addition to its wealth and power, and a " firm ſecurity to the proteſtant religion.

" The advantages, which will accrue to us all from an " union, are ſo apparent, that I will add no more, but that " I ſhall look upon it as a particular happineſs, if this

" great work which has been ſo often attempted with- 1706-7.
" out ſucceſs, can be brought to perfection in my reign.

The commons being returned to their houſe, the lord Coningſby, by the queen's command, preſented to the houſe the articles of union agreed upon by the commiſſioners, the act of parliament in Scotland for the ratification of them, and a copy of the minute-book of the proceedings of the commiſſioners, which were ordered to be printed. Then a motion being made by the tory party, and the queſtion being put, " That an addreſs be preſented to her " majeſty, that ſhe would be pleaſed to give orders, that " the minutes of the proceedings of the former commiſ- " ſioners, appointed in the firſt year of her reign to treat " of an union, be laid before the houſe;" it paſſed in the negative. It was afterwards reſolved, " That an addreſs " be preſented to her majeſty, returning her the humble " thanks of the houſe for her moſt gracious ſpeech that " day to both houſes of parliament, and for communicating " to this houſe the articles of union, and the act of parlia- " ment in Scotland for ratification thereof." Which addreſs being preſented by Mr. Chancellor of the Exchequer, the queen anſwered, " That ſhe was well pleaſed, that " what ſhe had done was ſo much to the ſatisfaction of " that houſe."

The articles of union preſented to the houſe of commons.

The treaty of union, and the proceedings relating to the ſame, having been likewiſe communicated to the houſe of peers, their lordſhips, upon the archbiſhop of Canterbury's motion, ordered a bill to brought in for the ſecurity of the church of England; which being read a ſecond time on the 3d of February (the queen and prince being preſent) a queſtion was put, " Whether it ſhould be an inſtruction, by the " leave of the houſe, to inſert in the bill the act made 25 " Car. II. intitled, An act for the preventing dangers, which " may happen from popiſh recuſants." Which was reſolved in the negative, by a majority of ſixty-three voices againſt thirty-three. After which their lordſhips went thro' the bill, by which all acts, paſſed in favour of the church, were declared to be in full force for ever; and this was made a fundamental and eſſential part of the union. Some exceptions were taken to the words of the bill, as not ſo ſtrong as the act paſſed in Scotland ſeemed to be, ſince the government of the church was not declared to be unalterable; but they were judged more proper, ſince, when a ſupreme legiſlature is once acknowledged, nothing

A bill for ſecurity of the church. Burnet. Pr. H. L.

1706-7. can be unalterable. This bill had a quick paſſage through both houſes. and received the royal aſſent (1).

Debate in the houſe of commons about the union.

On the 4th of February, the commons, in a committee of the whole houſe, conſidered of the articles of union, and act of ratification of the parliament of Scotland; and, Mr. Compton being choſen chairman, Mr. Charles Cæſar opened the debate, and raiſed ſome objections againſt the union. He was ſeconded by Sir John Packington; who made a ſpeech, importing, "That the buſineſs of the union, that was now before them, being of the higheſt importance, required therefore the moſt deliberate conſideration. That, with relation thereto, people without doors had been, for a long time, tongue-tied by a ſpecial order of council; which not reaching them within theſe walls, he would very freely impart his thoughts about it: That, for his own part, he was abſolutely againſt this incorporating union, which, he ſaid, was like marrying a woman againſt her conſent; an union, that was carried on by corruption and bribery within doors, by force and violence without." Many members taking offence at this bold expreſſion, which highly reflected both on her majeſty's miniſters, and the Scots commiſſioners and parliament, Sir John Packington ſaid, "He was told, that in Scotland they ſaid, the union was carried on by bribery and force:" Adding,

Pr. H. C.

(1) Dr. Calamy has the following obſervation on this act: The thus confirming the act of uniformity, and the eccleſiaſtical conſtitution here in England, in all particulars, upon the preſent foot, for perpetuity, was reckoned by the diſſenters to make their way the clearer, ſince all hopes of a further reformation of the conſtitution (of which there is ſo much need), were hereby taken away. The old puritans many of them fell in with the eſtabliſhed church, in hope of that way contributing to a farther reformation: And they, that adhere to their principles, have, ſince the reſtoration, been often preſſed to imitate their example, and fall in with the eſtabliſhed church, with that view; and ſome worthy perſons actually have done it: But the government by this ſettlement of all things in the church as they were, to perpetuity, and embodying this ſettlement with the union, and making it a fundamental part of it, has quite ſilenced that plea, and made it as ſunſeleſs to urge it, as it would be weak to regard it. So that henceforward all, that are convinced that a farther reformation is needful, and that it is their duty in their places to purſue it, are bound in conſcience to keep at a diſtance from that church, which has (as much as in it lies) barred all avenues of further light, and determined by law, that it will be, as it is, for ever.

Adding, "That the promoters thereof, in thus baſely giv- 1706-7.
"ing up their independent conſtitution, had actually be-
"trayed the truſt repoſed in them; and therefore he would
"leave it to the judgment of the houſe to conſider, whe-
"ther, or no, men of ſuch principles were fit to be admit-
"ted to ſit amongſt them? That, among the many in-
"conveniences and irreconcilable contradictions this union
"was liable to, he would only take notice of this material
"one, viz. that her majeſty, by the coronation oath, was
"obliged to maintain the church of England, as by law
"eſtabliſhed; and bound likewiſe by the ſame oath, to de-
"fend the preſbyterian kirk of Scotland in one and the ſame
"kingdom. Now, ſaid he, after this union is in force,
"who ſhall adminiſter this oath to her majeſty? It is not
"the buſineſs of the Scots, who are incapable of it,
"and no well-wiſhers to the church of England. It is
"then only the part of the biſhops to do it. And can it
"be ſuppoſed thoſe reverend perſons will, or can, act a
"thing ſo contrary to their own order and inſtitution, as
"thus to promote the eſtabliſhment of the preſbyterian
"church-government in the united kingdom?" He urged likewiſe, "That, the church of England being eſtabliſh-
"ed jure divino, and the Scots pretending, that their kirk
"was alſo jure divino, he could not tell how two nations,
"that claſhed in ſo eſſential a point, could unite: And
"therefore he thought it proper to conſult the convocation
"about this critical point." Colonel Henry Mordaunt, in oppoſition to Sir John Packington, ſaid, "That he knew
"of no other jure divino but God Almighty's permiſſion:
"In which ſenſe it might be ſaid, that the church of Eng-
"land, and the kirk of Scotland, were both jure divino;
"becauſe God Almighty had permitted, that the firſt ſhould
"prevail in England, the other in Scotland: And that the
"member, who ſpoke laſt, might, if he thought fit, con-
"ſult the convocation for his own particular inſtruction; but
"that it would be derogatory to the rights of the commons
"of England to adviſe, on this occaſion, with an inferior
"aſſembly, who have no ſhare in the legiſlature." Little was ſaid in anſwer this ſpeech, only ſome members moved,
"That the firſt article of the treaty, which implies a pe-
"remptory agreement to an incorporating union, be poſt-
"poned; and that the houſe ſhould proceed to the con-
"ſideration of the terms of that intended union, contain-
"ed in the other articles." This motion being rejected by a great majority, ſeveral members of the high-church

1706-7. party went out of the houſe; whereupon the firſt, ſecond, third, and fourth articles of the treaty were read and approved without oppoſition; and, on the 8th of February, the commons, in a committee of the whole houſe, went through and approved the remaining articles. The only objection raiſed by the tory-party on this laſt occaſion was, that the commons went poſt-haſte in a buſineſs of the higheſt importance: to which it was anſwered, "That deliberation always ſuppoſeth doubts and difficulties; but, "no material objections being offered againſt any of the "articles, there was no room for delays (1)." However, as the debates about the union laſted but a few days (for they begun the 4th of February, and the whole treaty was approved the 11th) it was thought the commons did not interpoſe delay and conſideration enough, ſuitable to the importance of ſo great a tranſaction.

Debates in the houſe of lords about the union. Pr. H. L. II. 168.

The debates were longer and more ſolemn in the houſe of lords. On the 15th of February (the queen being preſent) the lords having reſolved themſelves into a committee of the whole houſe, and the biſhop of Sarum being called upon by the earl of Sunderland to take the chair, the debate on the firſt article was opened by the earl of Rocheſter, who acquainted the houſe, that he had many things to object to ſeveral of the articles, and ſaid, "It was all one to him, "whether their lordſhips would pleaſe to receive them now, "or when thoſe articles came more properly under their "conſideration." The earl of Angleſey moved, "That "the firſt article might be poſtponed, it being impoſſible for "him to give his vote to it, before he knew, and was tho-"roughly ſatisfied, wherein this union was to conſiſt." Several others were of that opinion, among whom the biſhop of Bath and Wells ſpoke much to the ſame effect. The earl of Nottingham excepted againſt the name of Great-Britain, alledging, that it was ſuch an innovation in the monarchy, as totally ſubverted all the laws of England; and therefore moved, That the judges opinions might be aſked about it; and he was ſeconded by ſeveral other members. Hereupon the judges being ſeverally aſked their opinions in that reſpect, unanimouſly declared, "They could not con-"ceive

(1) Some members of that party ſtill crying out, Poſt-haſte, poſt-haſte, Sir Thomas Littleton purſued the ſimile, and ſaid, 'They did not ride poſt, 'but a good eaſy trot; and, 'for his own part, as long as 'the weather was fair, the 'roads good, and their Horſes 'in heart, he was of opinion, 'they ought to jog on, and not 'take up, till they got home.

"ceive that it any ways altered or impaired the conſtitu- 1706-7.
"tion of this realm, whoſe laws, in their opinion, muſt
"remain intirely the ſame, as well after, as before the union,
"except ſuch as were altogether inconſiſtent with, and di-
"rectly contrary thereto." The lord Haverſham, who, of late years, had made himſelf famous by his ſet ſpeeches on ſeveral occaſions, could not be ſilent on this, and therefore ſpoke as follows:

"My lords,

"WHAT my noble lord (Rocheſter) has mentioned to your lordſhips, occaſions my ſtanding up. I find myſelf under the ſame difficulties. I have ſeveral things to ſay to this matter of the union to your lordſhips, and it is very indifferent to me, when I offer them. I have a right of ſpeaking my thoughts, and entering my proteſt too, to any thing I diſlike; and I ſhall certainly find ſome time to do ſo, before this matter can paſs into a law. I am in your lordſhips judgment whether you will allow me to ſpeak, what I have to ſay, now. The lord Haverſham's ſpeech againſt the union.

"My lords, with what diſpoſition I come hither, I hope may be evidenced by the motion I made your lordſhips laſt year, for repealing certain clauſes, that were grievous to Scotland. I would do any thing, that were for the benefit and good of both nations.

"Theſe articles come to your lordſhips with the greateſt countenance of authority, that, I think, it is poſſible any thing can come. Your commiſſioners have agreed to them; the Scots parliament has, with ſome few amendments, ratified them, and the queen herſelf from the throne approves of them. And yet, you muſt give me leave to ſay, that authority, though it be the ſtrongeſt motive to incline the will, is the weakeſt argument in all the world to convince the underſtanding. It is the argument the church of Rome makes uſe of for their ſuperſtitious worſhip, where there are ten Ave-maria's to one Pater-noſter; juſt as unreaſonable, as if ten times the application and addreſs were made to a ſhe-favourite, as to the perſon of the ſovereign, which is a kind of ſtate-idolatry.

"I would not, my lords, be miſunderſtood, as if I were againſt an union. A federal union, an union of intereſt, an union in ſucceſſion, is what I ſhall be always for. Nay, were it, whether a people inhabiting the ſame iſland, ſpeaking the ſame language, and having the ſame

"religion,

1706-7. "religion, ſhould be all under one and the ſame form of "policy and government, I cannot ſee how any man could "be againſt it. But this is a matter of a quite different "nature: It is, whether two nations independent in their "ſovereignties, that have their diſtinct laws and intereſts, "and what I cannot forget, their different forms of wor-"ſhip, church-government, and order, ſhall be united into "one kingdom. An union made up, in my opinion, of "ſo many miſmatched pieces, of ſuch jarring, incongruous "ingredients, that, ſhould it ever take effect, I fear it "would carry the neceſſary conſequence of a ſtanding power "and force, to keep us from falling aſunder, and breaking "in pieces every moment. For, as my lord Bacon well ob-"ſerves (whom I take to be a very great man, tho' ſome-"times the courtier got the better of the philoſopher) an "unity, ſays he, that is pieced up by a direct admiſſion of "contraries in the fundamental points of it, is like the toes "of Nebuchadnezzar's image, which were made of iron "and clay; they may cleave together, but can never incor-"porate.

"Another reaſon, why I am againſt an incorporating "union, is, for the ſake of the good old Engliſh conſtitu-"tion, juſtly allowed to be the moſt equal and beſt-poiſed "government in all the world, the peculiar excellency of "which lies in that well-proportioned diſtribution of powers, "whereby the greatneſs of the monarch, and the ſafety of "the people, are at once provided for; and it is a maxim "in all policy, that the ſureſt way to preſerve any govern-"ment is by a ſtrict adherence to its principles. So that, "whilſt this balance of power is kept equal, the conſtitu-"tion is ſafe; but who can anſwer what alteration ſo great "a weight, as ſixty one Scots members, and thoſe too re-"turned by a Scots privy-council, when thrown into the "balance, may make?

"Beſides, my lords, I muſt own I am apprehenſive of "the precedent, and know not how far it may be carried "hereafter, or what alteration future parliaments may think "fit to make. It is evident by the two-and-twentieth ar-"ticle, that above an hundred Scots peers, and as many "commoners, are excluded from ſitting and voting in the "Britiſh parliament, who perhaps as little thought of be-"ing ſo a year or two ago, as any of your lordſhips do "now; for they had as much right by inheritance of ſit-"ting there, as any one lord in this houſe has of ſitting "here; and that right too, as well and as ſtrongly ſenced

"as and

"and ſecured to them by the fundamental laws of their 1706-7.
"kingdom, by claim of right, and act of parliament,
"which made it treaſon to make any alteration in the con-
"ſtitution of that kingdom; and yet have not they loſt
"their privilege? And what one ſecurity has any peer of
"England, by the laws of this land, to his right and pri-
"vilege of peerage, that thoſe lords had not? My lords, the
"biſhops have been once voted out of this houſe by the
"temporal lords already; and who knows what queſtion
"may come hereafter? I will venture my life in defence of
"the church of England: and yet at the ſame time own
"myſelf an occaſional conformiſt. But if, my lords, the
"biſhops will weaken their own cauſe, ſo far as to give
"up the two great points of epiſcopal ordination and con-
"firmation; if they will approve and ratify the act for ſe-
"curing the preſbyterian church-goverment in Scotland, as
"the true proteſtant religion and purity of worſhip; they give
"up that, which has been contended for between them and the
"preſbyterians this thirty years, and, which I will under-
"take to prove to my lords the biſhops, has been defended
"by the greateſt and learnedeſt men in the church of Eng-
"land. I hope, when it is proper, my lords will pleaſe
"to give ſome light to one, who deſires inſtruction, that I
"may not ignorantly do any thing to their prejudice in this
"matter.

"There is another reaſon, why I am againſt this union,
"becauſe I cannot think it an intire union. The exempt-
"ing articles, I mean the twentieth article, whereby herit-
"able offices and ſuperiorities are reſerved; and alſo the
"one-and-twentieth; both which Oliver, by an act of
"ſtate, was ſo wiſe as to aboliſh; eſpecially their act
"for ſecuring their preſbyterian church-government and
"general aſſemblies; ſeem to me like thoſe little clouds,
"in a warm calm ſummer's day, that are generally the
"ſeeds and attractives of approaching tempeſt and thunder.
"I the rather take notice of theſe, becauſe, though the ar-
"ticles of the union are ratified by the Scots parliament,
"yet the bulk and body of that nation ſeem to be againſt
"them. Have not the murmurs of the people there been
"ſo loud, as to fill the whole nation? And ſo bold too, as
"to reach even to the doors of the parliament? Has not
"the parliament itſelf thought fit to ſuſpend their beloved
"clauſe in their act of ſecurity, for arming their people,
"during the ſeſſion? Nay, has not the government, by ad-
"vice of parliament, ſet out a proclamation, which I have

"here

1706-7. "here in my own hand, pardoning all ſlaughter, bloodſhed, maiming, &c. that is committed upon any, who are found in any tumults there, and diſcharging all proſecution for the future? I do not mention this to find fault with any thing, that is done in Scotland, but only to ſhew to your lordſhips, that when ſuch an unuſual proclamation as this is ſet out by advice of parliament, and cannot ſtay the forms of a law; when we know, that, upon extraordinary occaſions, a bill may be read three times in one day; ſure, my lords, it ſhews a very great ferment, that requires ſo very ſpeedy an application. After all, has not what we deſire, I mean their being upon the ſame foot of ſucceſſion with us, been offered without this union? In ſhort, my lords, I think an incorporating union one of the moſt dangerous experiments to both nations; in which, if we happen to be miſtaken, however, we may think of curing things hereafter, the error is irretrievable.

"My lords, this is the laſt time, that I believe I ſhall ever trouble your lordſhips in an Engliſh parliament: Give me leave therefore to ſay but one word.

"In king Charles the Firſt's time the cavaliers were the perſons, that ventured their lives, and loſt their eſtates, to ſave him. And, in king Charles the Second's time, they were forgot, and left ſtarving. At the reſtoration the preſbyterians were as zealous for that as any men whatever, and none more perſecuted all his reign. Towards the latter end of that reign, the biſhops threw out the bill of excluſion, and king James put them into the Tower. At the Revolution, the Londonderry-men, &c. were the perſons, that made the firſt and nobleſt ſtop to king James in Ireland; and I myſelf have fed ſome of them at my own table, when they were ſtarving with the greateſt commendations and promiſes in their pockets, which I have ſeen under king William's own hand. In the laſt reign every body knows, who they were, that made their moſt conſtant court at St. James's; and we ſee in what favour they are in at this preſent.

"Now there is a great deal of zeal for this union. I wiſh, from my zeal, that the advantages may attend it of tranquillity and ſecurity, power, peace, and plenty, as is intended by it. But yet it is poſſible men may be miſtaken. I will not ſay they will ever repent of it; but I will take leave to ſay what I have formerly ſaid in this place, that what has been, may be."

It may be here obſerved, that to all the objections, that were offered againſt the union, this general anſwer was made, that ſo great a thing, as the uniting the whole iſland into one government, could not be compaſſed but with ſome inconveniencies: But, if the advantage of ſafety and union was greater than thoſe inconveniencies, then a leſſer evil muſt be ſubmitted to. 1706-7.

The debate being over, the queſtion was put, Whether the conſideration of the firſt article of the treaty of union ſhould be poſtponed till after the other articles had been examined? But it was carried in the negative by a majority of ſeventy-two voices againſt twenty-two; and ſo the firſt ſix articles were read and approved, and the conſideration of the reſt adjourned to the 19th of February, when the lord North and Grey obſerved, with relation to the ninth article, "the ſmall and unequal proportion, which Scotland "was to pay to the land-tax; urging, that Wales, as poor "a country every whit as that, and of a much leſs extent, "paid to the full as much again, and yet ſent not much "more than half the number of repreſentatives in parlia-"ment, which were granted to Scotland; and, for that "reaſon, his lordſhip ſaid he could not agree to this arti-"cle." He was anſwered by the lord Hallifax, "That "the number of repreſentatives was no rule to go by, ſince "there was the county of Cornwall in England, that paid "not near ſo much towards the land-tax as that of Glou-"ceſter, and yet ſent almoſt five times as many members "to parliament as the other did. That it was very true, the "quota of Scotland was very ſmall and unequal, in com-"pariſon to what was paid in England; but that the Eng-"liſh commiſſioners could not induce the Scots ones to a-"gree to any more, upon account of ſeveral impoſſibilities "on their ſide. That we could not expect to reap the like "advantages of every article of the treaty; and that, if "they had the better of us in ſome few, we were infinitely "recompenſed by the many advantages, which did accrue "to us from the whole." Here again the houſe divided on this article, there being ſeventy for it, and twenty-three againſt it; and ſo, having run over the four following articles, the conſideration of the reſt was further adjourned to the 21ſt of February, when (the queen being preſent) the debate chiefly ran upon the fifteenth article. The earl of Nottingham obſerved, that it conſiſted of two parts, a certain grant of money, and the application thereof; in refe-rence to which he ſaid, "That it was highly unreaſonable,

"that

1706-7. "that the Scots, who were by the treaty let into all the "branches of our trade, and paid ſo little towards the ſup- "port of the government, and of a moſt expenſive and "bloody war, ſhould moreover have an equivalent of three "hundred ninety-eight thouſand and eighty-five pounds "given them for coming into this treaty. His lordſhip in- "ſiſted much upon that argument, and took notice, as to "the diſpoſal of this equivalent, that part of it, which was "to be given to the Darien company, was ſo ordered, as "that it might be ſwallowed up by a few perſons, without "any particular regard to the indemnifying every private "ſufferer in that unhappy enterprize." The lord Hallifax anſwered, "That this equivalent could not be looked upon "as a gift, but as an actual purchaſe of the Scots revenue "and cuſtoms, which, by this union, were to be applied to "the payment of the debts of England; and that they "were no more gainers by it, than the Engliſh were by the "ſale of annuities at fifteen or ſixteen years purchaſe. "That, as to the diſpoſal of the money, it being their own, "it was but reaſonable they ſhould have the liberty of ap- "plying the ſame, as they thought moſt convenient, the "Engliſh commiſſioners being no ways concerned therein, "whoſe care, nevertheleſs, and great prudence had been "ſuch, that they made proviſion it ſhould not be diſpoſed "of but by certain commiſſioners, who ſhould be account- "able for the ſame to the parliament of Great-Britain." Then their lordſhips proceeded as far as the nineteenth arti- cle, and ſo adjourned to the 24th of February, when (the queen being likewiſe preſent) the lord Thanet, on the twen- tieth article, acquainted their lordſhips, "that, himſelf "having an heritable office here in England, by being per- "petual ſheriff of the county of Weſtmoreland, he ſhould "be glad, with their lordſhips leave, to have the opinion "of the judges about the preſervation of that his right, "there being no proviſion made in this article for heritable "offices in England." The lord chamberlain ſeconded him in that motion, ſaying, "He had the honour likewiſe of "having ſuch an heritable office, about the preſervation "whereof he had the very ſame doubts and ſcruples with "the noble peer, who ſpoke laſt." Whereupon it was a- greed, that the judges ſhould deliver their opinion about it, which they did, and their anſwers were much the ſame with what they had declared to the houſe to be their opinion with reſpect to the firſt article.

The

The earl of Rochester, after reading the twenty-second article, declared, "That he looked upon it as incongruous, "contradictory to, and inconsistent with itself." That there "were sixteen peers to be returned to the house of lords, in "the parliament of Great-Britain, who were peers and no "peers. That, being all peers by right of inheritance, they "were, nevertheless, made here elective, which he took "to be divesting them of their peerage; because, not being "sure of being always elected to every parliament of Great-"Britain, they consequently must lose, when left out, the "benefit of sitting in parliament, which was ever deemed "an inseparable right of the peerage. That the rest of the "nobility of Scotland, to the number of above a hundred, "were thereby manifestly injured; and that, for his part, "he wondered very much, how the Scots came to accept of "such unreasonable conditions; or how their lordships could "entertain the thoughts of permitting such peers by election "to sit among them." The lords Nottingham, North and Grey, and Guernsey, very much inforced this topic, adding, "That, as one might very well suppose, that those Scots "peers would be such as were addicted to the kirk, it might "prove of dangerous consequence to the church of England." The earl of Wharton replied, "That, though they were "all never so much of the kirk party, yet there was no rea-"son to fear, but they would also be very well disposed for "the church of England, and stand up in its defence on all "occasions, since there were even some sitting amongst their "lordships, who would venture their lives for the church of "England, and yet openly declared themselves to be at the "same time occasional conformists." The lord Haversham, rightly judging, that he was hinted at by the earl, stood up to inform the house, what he understood by an occasional conformist, in which explanation he appeared somewhat embarrassed; for, after having made a long encomium on the episcopal order, which he took to be the best and most conformable to primitive christianity, he gave no less commendations to all the protestant churches abroad, and to the kirk of Scotland itself in particular, which, he said, was a true protestant church. The bishop of Bath and Wells declared, "That, for his part, he was altogether against this union, "though he could wish with all his heart it had been contemplated an hundred years ago, because all the ferment and discords, which now were likely to insue upon it, would, "by this time, have had their course. That he could no "better compare it, than to the mixing together strong "liquors 1706-7.

1706-7. "liquors of a contrary nature in one and the ſame veſſel, "which would go nigh being burſt aſunder by their furious "fermentation: That their bench was always reckoned the "dead weight of the houſe; but that the ſixteen Scots peers, "being admitted to ſit therein, would more effectually be "ſo, eſpecially in any future debates relating to the church, "towards which they could no ways be ſuppoſed to be well-"affected; and therefore he was humbly of opinion, that "ſome proviſion might be made for debarring them of their "votes in any church-matter, that ſhould hereafter come in "agitation." To all this, and much more that was alledged on account of the danger of the church, when ſo many votes of perſons tied to preſbytery were admitted to a ſhare in the legiſlature, it was anſwered by the lords Sommers, Hallifax, and others, that the chief dangers, the church was in, were from France and from popery: So that whatſoever ſecured us from theſe, delivered us from our juſteſt fears. Scotland lay on the weakeſt ſide of England, where it could not be defended, but by an army: The coaleries on the Tins lay expoſed for ſeveral miles, and could not be preſerved, but at a great charge, and with a great force: If a war ſhould fall out between the two nations, and if Scotland ſhould be conquered, yet, even in that caſe, it muſt be united to England, or kept under by an army. The danger of keeping up a ſtanding force, in the hands of any prince, and to be modelled by him (who might engage the Scots to join with that army, and turn upon England) was viſible: And any union, after ſuch a conqueſt, would look like a force, and ſo could not be laſting; whereas all now was voluntary. As for church-matters, there had been ſuch violence uſed by all ſides in their turns, that none of them could reproach the others much, without having it returned upon them too juſtly. A ſofter management would lay thoſe heats, and bring men to a better temper; the Cantons of Switzerland, though very zealous in their different religions, yet were united in one general body: The Diet of Germany was compoſed of men of three different religions: So that ſeveral conſtitutions of churches might be put under one legiſlature; and, if there was a danger of either ſide, it was much more likely that five hundred and thirteen would be too hard for forty-five, than that forty-five would maſter five hundred and thirteen; eſpecially when the crown was on their ſide: And there were twenty-ſix biſhops in the houſe of lords, to outweigh the ſixteen votes from Scotland. The debate being over, the twenty-ſecond article was approved by a majority

of ſeventy-one votes againſt-twenty-two; and then the re- 1706-7.
maining articles were likewiſe approved. Upon the reading the laſt, the earl of Abingdon moved, that the judges opinion might be aſked, what laws would be repealed by this union, and what would remain in force; but that motion was rejected. Then the earl of Nottingham ſtood up, and begged their lordſhips pardon "for having troubled them almoſt to "every article, excuſing himſelf however, by urging, that "they were ſuch material objections occurring to him, as "in conſcience he thought himſelf obliged to lay before "the houſe. That as Sir John Maynard made this com-"pliment to the late king at the revolution, That, having "buried, upon account of his great age, all his contempo-"raries in Weſtminſter-Hall, he was afraid, if his majeſty "had not come in that very juncture of time, he might "have likewiſe outlived the very laws themſelves; ſo, "if this union did paſs, as he had no reaſon to doubt but "it would moſt certainly paſs, he might, with as much "reaſon, and as juſtly affirm, he had outlived all the laws, "and the very conſtitution of England:" Concluding with a prayer to God, "to avert the dire effects, which might "probably inſue from ſuch an incorporating union." Three days after, the biſhop of Sarum reported to the houſe of lords the reſolutions of their grand committee, approving the treaty of union, which were agreed to by a great majority; but ſeveral peers entered their proteſts, ſome againſt all, others, againſt ſome of the articles (1).

The

(1) They were as follow:

We diſſent to every one of the twenty-five reſolutions.

Granville, Haverſham, Stawell.

I diſſent to the four laſt reſolutions, having not been preſent at the paſſing the others,

Geo. Bath and Wells.

I diſſent to every one of the twenty-five reſolutions, except the ſecond. Beaufort.

I diſſent to the firſt, fourth, fifth, ſixth, ninth, fifteenth, eighteenth, nineteenth, twenty-firſt, twenty-ſecond, and twenty-fifth reſolutions.

Abingdon.

Diſſentient' To the ninth reſolution.

Becauſe we humbly conceive the ſum of forty-eight thouſand pounds, to be charged on the kingdom of Scotland, as the quota of Scotland, for a land-tax, is not proportionable to the four ſhillings aid granted by the parliament of England; but if, by reaſon of the preſent circumſtances of the kingdom, it might have been thought it was not to bear a greater proportion at this time, yet we cannot but think it unequal to this kingdom, that it ſhould be agreed, that whenever the four ſhillings

1706-7. The ſeveral articles of the union being thus agreed to by both houſes, a bill was ordered to be brought in to enact it, which was prepared by Sir Simon Harcourt, the ſolicitor-general, with ſo particular a contrivance, as to cut off all debates. The preamble was a recital of the articles, as they were paſſed in Scotland, together with the acts made in both parliaments for the ſecurity of their ſeveral churches; and in concluſion there came one enacting clauſe, ratifying all. This put thoſe upon great difficulties, who had reſolved to object to ſeveral articles, and to inſiſt on demanding ſome alterations in them: They could not object to the recital, it being merely matter of fact; and they had not ſtrength enough to oppoſe the general enacting clauſe; nor was it eaſy to come at particulars, and to offer proviſo's relating to them. The matter was carried on with ſuch zeal, that it paſſed the houſe of commons, before thoſe who intended

A bill for enacting the union. Burnet.

Feb. 4.

aid ſhall be enacted by the parliament of Great-Britain, to be raiſed on the land in England, that the forty-eight thouſand pounds, now raiſed on Scotland, ſhall never be increaſed in time to come, when the trade of that kingdom ſhould be extremely improved, and conſequently the value of their land proportionably raiſed, which, in all probability, it muſt do, when this union ſhall have taken effect.

North and Grey, Rocheſter, Howard, Leigh, Guilford.

Deſſentient' To the fifteenth reſolution.

Becauſe we humbly conceive, nothing could have been more equal on this head of the treaty, than that neither of the kingdoms ſhould have been burdened with the debts of the other, contracted before the union; and if that propoſal, which we find once made in the minutes of the treaty, had taken place, there would have been no occaſion to have employed the revenues of the kingdom of Scotland towards the payment of the debts of England; thoſe revenues might have been ſtrictly appropriated to the debts of that kingdom, and to any other uſes within themſelves, as ſhould have been judged requiſite; and there would have been no need of an equivalent of very near four hundred thouſand pounds to be raiſed on England, within this year, for the purchaſe of thoſe revenues in Scotland, which, however it may prove to be but a reaſonable bargain, upon a ſtrict calculation, there does not ſeem to have been a neceſſity juſt now to have raiſed ſo great a ſum, when this kingdom is already burdened with ſo vaſt ones for neceſſary charges of the war.

Rocheſter, North and Grey, Guilford, Leigh.

Diſſentient' To the twenty-ſecond reſolution.

Becauſe we humbly conceive, in the firſt place, that the number of ſixteen peers of Scotland is too great a proportion to be added

tended to oppoſe it had recovered themſelves out of the ſur- 1706-7.
prize, under which the form, it was drawn in, had put them. The bill was carried there by a majority of two hundred and ſeventy-four voices againſt a hundred and ſixty, who were for rejecting it (1). The bill was, on the firſt of March, carried by Mr. Spencer Compton to the houſe of lords, who gave it a quick diſpatch; but, upon the third reading, the lord North and Grey offered a rider to be added to it, importing, "That nothing, in this ratification con- "tained, ſhould be conſtrued to extend to an approbation "or acknowledgment of the truth of the preſbyterian way "of worſhip, or allowing the religion of the church of "Scotland

added to the peers of England, who very rarely conſiſt of more than an hundred attending lords in any one ſeſſion of parliament; and, for that reaſon, we humbly apprehend, ſuch a number as ſixteen may have a very great ſway in the reſolutions of this houſe, of which the conſequence cannot now be foreſeen.

In the ſecond place, we conceive the lords of Scotland, who by virtue of this treaty, are to ſit in this houſe, being not qualified as the peers of England are, muſt ſuffer a diminution of their dignity to ſit here on ſo different foundations, their right of ſitting here depending intirely on an election, and that from time to time during the continuance of one parliament only; and, at the ſame time, we are humbly of opinion, that the peers of England, who ſit here by creation from the crown, and have a right of ſo doing in themſelves or their heirs by that creation for ever, may find it an alteration in their conſtitution, to have lords added to their number, to ſit and vote in all matters brought before a parliament, who have not the ſame (right) of their ſeats in parliaments, as the peers of England have.

Buckingham, North and Grey, Leigh, Rocheſter, Guilford.

We diſſent to the reſolution of paſſing the laſt article, becauſe, there being no enumeration of what laws are to be repealed, it is conceived too great a latitude of conſtruction thereupon is left to the judges.

Abingdon, Leigh, North and Grey, Guilford.

(1) On the 22d of February, upon Mr. Bromley's motion, the commons ordered, 'That 'it be an inſtruction to the 'committee of the whole houſe, 'to whom the bill for an union 'between the two kingdoms of 'England and Scotland was 'committed, that they might 'receive a clauſe, that the two 'univerſities of this kingdom 'might continue for ever, as 'they now are by law eſtabliſh-'ed.' But a motion being made, and the queſtion put, 'That 'it be another inſtruction to the

1706-7. "Scotland to be what it was ſtiled, the true proteſtant "religion." After a debate, the queſtion was put, "Whether this rider ſhould be read a ſecond time," and it was carried in the negative by fifty-five voices againſt twenty-nine; upon which ſeveral lords entered their diſſent (2). Then the queſtion being put, Whether this bill ſhould paſs? It was reſolved in the affirmative by a great majority; but ſeveral peers entered their proteſts againſt it (3).

When

'committee, that they might 'receive a clauſe to make 'the like proviſion, that the 'ſubjects of this kingdom 'ſhould be for ever free of any 'oath, teſt, or ſubſcription 'within this kingdom, contrary 'to, or inconſiſtent with, the 'true proteſtant religion, go'vernment, worſhip, and diſ'cipline of the church of Eng'land as now by law eſta'bliſhed, as was already pro'vided for the ſubjects of Scot'land, with reſpect to their 'preſbyterian government;' it paſſed in the negative. The ſame day Sir Roger Moſtyn moved, that a clauſe ſhould be inſerted in the ſaid bill, in favour of the convocation of the clergy, as part of the conſtitution; which aſſertion and motion were both exploded. But, the parliament of Scotland having inſerted in the articles of union ſeveral clauſes for drawbacks and allowances upon divers commodities of the growth of that kingdom, which might put the Engliſh traders upon an unequal foot with the Scots, the commons of England took that matter into their conſideration; and, in a committee of the whole houſe, came to ſeveral reſolutions for allowing drawbacks on Engliſh ſalt, white herrings, beef, pork, oatmeal, and grain, called Bear, alias Big, exported from England and Wales: Which reſolutions were, on the 27th of February, reported to the houſe, agreed to, and a bill ordered to be brought in, which received the royal aſſent.

(2) Diſſentient,

Beaufort, Buckingham, North and Grey, Angleſea, Winchelſea, Northampton, Abingdon, Nottingham, Scarſdale, Geo. Bath and Wells, Thanet, Granville, Stawell, Guernſey, Weymouth Guilford, Leigh.

(3) Diſſentient,

Nottingham, Angleſea, Thanet, Winchelſea, Northampton, Scarſdale, Weymouth, Guernſey.

Becauſe the conſtitution of this kingdom has been ſo very excellent, and therefore juſtly applauded by all our neighbours, for ſo many ages, that we cannot conceive it prudent now to change it, and to venture at all thoſe alterations made by this bill, ſome of them eſpecially being of ſuch a nature, that, as the inconvenience and danger of them (in our humble opinion) is already but too obvious, we think it more proper and decent, to avoid entering further into the particular apprehenſion we have from the paſſing of this law.

Beaufort, Buckingham, Stawell, Guilford, Granville, Leigh.

When the queen came to the houſe of lords to paſs the union-bill, ſhe made the following ſpeech to both houſes: 1706-7.

"My lords and gentlemen,

"IT is with the greateſt ſatisfaction, that I have given my aſſent to a bill for uniting England and Scotland into one kingdom. The queen's ſpeech on paſſing the union bill.

"I conſider this union as a matter of the greateſt importance to the wealth, ſtrength, and ſafety of the whole iſland; and, at the ſame time, as a work of ſo much difficulty and nicety in its own nature, that till now all attempts, which have been made towards it, in the courſe of above a hundred years, have proved ineffectual; and therefore I make no doubt, but it will be remembered and ſpoke of hereafter, to the honour of thoſe, who have been inſtrumental in bringing it to ſuch a happy concluſion.

"I deſire and expect from all my ſubjects of both nations, that from henceforth they act with all poſſible reſpect and kindneſs to one another, that ſo it may appear to all the world, they have hearts diſpoſed to become one people.

"This will be a great pleaſure to me, and will make us all quickly ſenſible of the good effects of this union.

"And I cannot but look upon it as a peculiar happineſs, that in my reign ſo full proviſion is made for the peace and quiet of my people, and for the ſecurity of our religion, by ſo firm an eſtabliſhment of the proteſtant ſucceſſion throughout Great-Britain.

"Gentlemen of the houſe of commons,

"I take this occaſion to remind you of making effectual proviſion for the payment of the equivalent to Scotland, within the time appointed by the act; and I am perſuaded, you will ſhew as much readineſs in this particular, as you have done in all the parts of this great work.

"My lords and gentlemen,

"The ſeaſon of the year being now pretty far advanced, I hope you will continue the ſame zeal, which has appeared throughout this ſeſſion, in diſpatching what yet remains unfiniſhed of the public buſineſs before you."

1706-7. Thus this great deſign, ſo long wiſhed and laboured for in vain, was begun and happily ended within the compaſs of nine months. The union was to commence on the firſt of May, and, till that time, the two kingdoms were ſtill diſtinct, and their two parliaments continued to ſit.

Ill uſe of the 4th and 6th articles of the union prevented.

The act of union was no ſooner paſſed, but an ill uſe was intended to be made of it. The cuſtoms of Scotland were then in a farm, and the farmers were the creatures of the miniſtry, ſome of whom, as was believed, were ſharers with them: it was viſible, that, ſince there was to be a free trade opened between Scotland and England, after the firſt of May, and ſince the duties in Scotland, laid on trade, were much lower than in England, that there would be a great importation into Scotland, on the proſpect of the advantage that might be made by ſending it into England. Upon ſuch an emergency, it was reaſonable to break the farm, as had been ordinarily done upon leſs reaſon, and to take the cuſtoms into a new management, that ſo the gain, to be made in the interval, might go to the public, and not be left in private hands: but the leaſe was continued in favour of the farmers. They were men of no intereſt of their own, ſo it was not doubted, but that there was a ſecret practice in the caſe. Upon the view of the gain to be made by ſuch an importation, it was underſtood that orders were ſent to Holland, and other places, to buy up wine, brandy, and other merchandiſe. And another notorious fraud was deſigned by ſome in England; who, becauſe of the great draw-back that was allowed for tobacco and other plantation commodities, when exported, were ſending great quantities to Scotland, on deſign to bring them back after the firſt of May, that ſo they might ſell them free of that duty. A bill was therefore offered to the commons, for preventing theſe fraudulent practices. When this bill was read the third time, Mr. ſecretary Harley propoſed the adding another clauſe, namely, that all goods that were carried into Scotland after the firſt of February (unleſs it were by the natural-born ſubjects of that kingdom inhabiting in it) in caſe they were imported into England after the firſt of May, ſhould be liable to the Engliſh duties; and of this, the proof was to lie on the importer: this angered all the Scots, who raiſed a great clamour upon it, and ſaid, the union was broke by it; and that ſuch a proceeding would have very ill effects in Scotland. But the houſe of commons were ſo alarmed with the news of a vaſt importation, which was aggravated far beyond the truth, and by which they concluded,

cluded, that the trade of England would greatly suffer, at least for a year or two; that they passed the bill, and sent it to the lords, where it was rejected; for it appeared plainly to them, that this was an infraction of some of the articles of the treaty. It was suggested, that a recess for some days was necessary, that so the commons might have an opportunity to prepare a bill, prohibiting all goods from being brought to England, that had been sent out, only in order that the merchants might have the draw-back allowed. Accordingly, the queen came to the house of peers on the 8th of April, and prorogued the parliament to the 14th of that month. 1707.

The parliament being met again on that day, the queen came to the house of lords, and made a short speech to both houses, importing, "That she was willing to give them an "opportunity of coming together again, to consider, if any "thing could properly be done to prevent the inconvenien- "cies that might happen to trade, by too great an interval "between the rising of the parliament and the first of May; "and that she need not add, that whatever was to be done "of that kind, would require to be dispatched in a little "time." The commons, who were more inflamed than before, being returned to their house, received and read a petition of the merchants concerned in the importation of wines and brandy from Spain, Portugal, and Italy, and of other goods from Holland, &c. complaining, "That great "quantities of French wines, brandies, silks, prunes, rosin, "&c. of the growth and product of France; whalebone, "linen, drugs, coffee, spices, &c. from Holland and from "France, were directly brought, and more intended to be "imported into the kingdom of Scotland, in order to be "brought thence and imported into England, after the first "of May, to avoid the English duties, to the great detri- "ment and loss of some, and the utter ruin of others, who "had imported, and were importing into England the like "commodities from Spain, Portugal, Italy, and Holland, "paying the high duties upon them; which commodities "had been chiefly purchased abroad with the woollen ma- "nufactures, corn, and other products of England; and "praying, that the house would prevent the importation "of these goods, which would be a great damage, not "only to the petitioners, but to her majesty's customs; or "otherwise, so to provide for the petitioners relief, as the "house should think fit." The next day the commons, in a committee of the whole house, resolved, first, "That "the thereon.

Petition of the merchants against importing goods into Scotland. Pr. H. C. IV. 68.

Resolutions

1707. "the importation of goods and merchandiſes of the growth "and produce of France, and other foreign parts, into "Scotland, in order to be brought from thence into Eng- "land, after the firſt of May, and with intention to avoid "the payment of the Engliſh duties, would be to the da- "mage and ruin of fair traders, to the prejudice of the "manufactures of England, a great loſs to her majeſty's "revenue of the cuſtoms, and a very great detriment to "the public. Secondly, that the exporting of goods and "merchandiſes from England into Scotland, that are in- "titled to a draw-back, with intention to bring the ſame "back again into England after the firſt of May, was a "moſt notorious fraud, to the damage and ruin of fair "traders, to the great loſs of her majeſty's revenues of the "cuſtoms, and a very great detriment to the public." Theſe reſolutions being immediately reported and agreed to, a bill was ordered to be brought in upon the ſame; which, being paſſed, was ſent to the lords for their concur- rence. But it being apprehended, that this law would give offence to the Scots; and the moſt eminent lawyers, who were conſulted about it, not agreeing in their opinions, the court thought fit to let it fall; the rather, becauſe the firſt of May was near at hand, and that the practices of the fradulent traders had, in great meaſure, been prevented by the terror of the intended law, and the clauſe offered by Mr. Harley. And, therefore, the queen came to the houſe of peers on the 24th of April, and made the following ſpeech to both houſes:

"My lords and gentlemen,

The queen's ſpeech to both houſes. April 24. Pr. H. C. IV. 70.

"I Return you my hearty thanks for the great zeal and "affection which you have ſhewn for my ſervice and the "public good, in the ſeveral affairs which have been before "you, eſpecially in that of the union of Scotland, which, "I doubt not, will prove a laſting bleſſing to this iſland.

"Gentlemen of the houſe of commons,

"I am to thank you in particular for the great diſpatch "you have made, in providing the largeſt and moſt effec- "tual ſupplies, that have ever been given to the crown for "the current ſervice, in any one ſeſſion of parliament. I "am very much concerned, that the public occaſions re- "quire the raiſing of ſuch great ſums from my people. I "will take care they ſhall be applied to the uſes for which "they are given; and I hope, by God's bleſſing, we may "obtain advantages from them, anſwerable to ſo great an "expence.

"My

1707.

"My lords and gentlemen,

"It is proper for me, before we part, to communicate "to you, that I think it expedient that the lords of parlia- "ment of England, and commons of the present parlia- "ment of England, should be the members of the respective "houses of the first parliament of Great-Britain, for and "on the part of England: and therefore I intend, within "the time limited, to publish a proclamation for that pur- "pose, pursuant to the power given me by the acts of par- "liaments of both kingdoms, ratifying the treaty of union. "And, after we have so fully compleated this great work, "I assure myself, that, when you return to your several "countries, you will omit no opportunity of making my "subjects sensible of the security, and the other great and "lasting benefits, they may reasonably expect from this "happy union.

"This will conduce very much to make it prove so, and, "be a good preparation to the success of our next meeting; "when, I hope, we shall all join our sincere and hearty "endeavours to promote the welfare and prosperity of "Great-Britain."

After this speech, the lord-keeper prorogued the parliament to the 30th of April 1707.

Thus this remarkable session came to a happy conclusion, after having finished the great transaction of the union, on which it may not be improper to make the following observations. It is certain, the design on Darien the great charge it put Scotland to, and the total miscarriage of that project, made the trading part of that kingdom see the impossibility of undertaking any great design in trade; and this made them the more ready to concur in carrying on the union. The wiser men of that nation had observed long, that Scotland lay at the mercy of the ministry, and that every new set of ministers made use of their power to inrich themselves and their creatures at the cost of the public; that the judges being made by them were in such a dependence, that, since there are no juries allowed in Scotland in civil matters, the whole property of the kingdom was in their hands, and by their means in the hands of the ministers. They had also observed, how ineffectual it had been to complain of them at court. It put those, who ventured on it, to a vast charge, to no other purpose but to expose them the more to the fury of the ministry. The poor noblemen and the poor boroughs made a great majority in their parliament, and were easily to be purchased by the court. They saw therefore no hopes

Remarks on the union. Burnet.

of

1707. of a remedy for ſuch a miſchief, but by an incorporating union with England. Theſe thoughts were much quickened by the proſpect of recovering what they had loſt in that ill-concerted undertaking of Darien; and this was ſo univerſal and ſo operative, that the deſign on Darien, which the jacobites had ſet on foot, and proſecuted with ſo much fury, and with bad intentions, did now engage many to promote the union, who, without that conſideration, would have been at leaſt neutral, if not backward in it. The court was engaged to promote the union, on account of the act of ſecurity paſſed in the year 1704, which was imputed chiefly to the lord-treaſurer. Threatenings of impeaching him for adviſing it had often been let fall; and, upon that, his enemies had ſet their chief hopes of overthrowing him; for, though no proof could be brought of his counſel in it, yet it was not doubted, but that his advice had determined the queen to paſs it. An impeachment was a word of an odious ſound, which would engage a party againſt him, and diſorder a ſeſſion of parliament; and the leaſt ill effect it might have, would be to oblige him to withdraw from buſineſs, which was chiefly aimed at. The queen was very ſenſible, that his managing the great truſt he was in, in the manner he did, made all the reſt of her government both ſafe and eaſy to her; and therefore ſhe ſpared no pains to bring this about, and it was believed ſhe was at no ſmall coſt to compaſs it; for thoſe of Scotland had learned from England to ſet a price upon their votes, and expected to be well paid for them. The lord-treaſurer likewiſe exerted himſelf in this matter with an activity and zeal that ſeemed not to be in his nature; and indeed, all the application with which the court purſued this affair, was neceſſary to maſter the oppoſition and difficulties which ſprang up in the progreſs of it. That, which compleated all, was the low ſtate to which the affairs of France were reduced. That kingdom could ſpare neither men nor money to ſupport their party, which otherwiſe they would undoubtedly have done. They had, in imitation of the Exchequer-notes here in England, given out Mint-bills to a great value; ſome ſaid two hundred millions of livres. Theſe were ordered to be taken by the ſubjects in all payments, as money to the full value, but were not to be received in payments of the king's taxes. This put them under a great diſcredit, and the fund created for repaying them, not being thought a good one, they had ſunk ſeventy per cent. This occaſioned an inexpreſſible diſorder in all payments, and in the whole commerce of France.

France. All the methods that were propoſed for raiſing their credit, had proved ineffectual; for they remained, after all, at the diſcount of fifty-eight per cent. A court in this diſtreſs was not in a condition to ſpare much to ſupport ſuch an inconſiderable intereſt, as they eſteemed their party in Scotland; who therefore had not the aſſiſtance which they promiſed themſelves from thence. The conjuncture of theſe various incidents, which brought this great work to a happy concluſion, was ſo remarkable, that the laying them all in one view will, it is hoped, not be thought an impertinent digreſſion. 1707.

The parliament being at an end, the queen, by virtue of a clauſe in the act of union, and purſuant to her promiſe in her ſpeech, revived it by a proclamation of the 29th of April, and by another of June 5, declared her pleaſure, for holding the firſt parliament of Great-Britain on the 23d of October. Upon this, many of the Scotch lords came to London; and were very well received. Montroſe and Roxburgh were made dukes in Scotland; ſome of them were made privy-counſellors in England; and a commiſſion for a new council was ſent to Scotland: there appeared ſoon two different parties among the Scots; ſome of them moved, that there ſhould neither be a diſtinct government, nor a privy-council continued there, but that all ſhould be brought under one adminiſtration, as the ſeveral counties in England were; they ſaid, the ſooner all were conſolidated, in all reſpects, into one body, the poſſibility of ſeparating and diſuniting them would be the ſooner extinguiſhed; this was preſſed with the moſt earneſtneſs by thoſe who were weary of the preſent miniſtry, and longed to ſee their power at an end: but the miniſtry, who had a mind to keep up their authority, ſaid, there was a neceſſity of preſerving a ſhew of greatneſs, and a form of government in thoſe parts, both for ſubduing the jacobites, and that the nation might not be diſguſted, by too ſudden an alteration of outward appearances. The court reſolved to maintain the miniſtry there, till the next ſeſſion of parliament, in which new meaſures might be taken. Thus affairs were happily ſettled at home, and the firſt of May, when the union took place, being appointed to be obſerved as a day of public and general thankſgiving for the happy concluſion of the treaty of union, it was celebrated with a decent ſolemnity. Congratulatory addreſſes on account of the union were preſented to the queen from all parts of the kingdom. But it was obſerved, that the univerſity of Oxford were ſilent on this occaſion, The parliament revived by proclamation.

1707. caſion, as well as the Scots, which made the addreſſers of Brackley in Northamptonſhire ſuggeſt, "That after the "little notice that had hitherto been taken of the union by "thoſe who enjoyed the greateſt ſhare of it, at leaſt an "equivalent of the advantage, they had ſome thoughts of "not diſturbing her majeſty at this time, in her great con- "cernments for the liberties of all Europe, had they not "been afraid, leſt the malice of the world ſhould have un- "juſtly tacked them to ſome of her majeſty's miſtaken "ſubjects, who, by their ſilence in not addreſſing, had "ſufficiently declared their diſlike of what her majeſty had "owned her greateſt pleaſure and ſatisfaction." (a)

About

(a) That the proceedings in the affair of the union might not be interrupted, the following particulars, which happened during this ſeſſion, were purpoſely omitted.

The houſe of commons addreſſed the queen about reſettling the iſlands of Nevis and St. Chriſtophers, which had ſuffered much by the French. The French came from Martinico with five men of war and twenty ſloops to St. Chriſtophers, and made a deſcent in March 1706; being repulſed in their attack of the caſtle, they fell in among the plantations, ſome of which they burnt, and plundered the inhabitants; but the governor of Barbadoes, upon notice of it, ſent down a ſloop to the governor of St. Chriſtophers, to acquaint him there was a ſtrong ſquadron of Engliſh men of war coming to his aſſiſtance; which news being conveyed to the French, had the intended effect; for they no ſooner heard of it, than they quitted the iſland, taking away with them about three hundred negroes. From thence they went to Nevis, where they landed their troops, and the inhabitants being over-powered by numbers retired to the mountains; the enemy, marching thither, [illegible] attacks them; they beat a parley, and a capitulation was concluded the next day, March 24, by which they were to be priſoners of war, but to remain in the iſland, and procure a like number of French priſoners to be releaſed by way of exchange, either in America or Europe; and, in the mean time, they were to be civilly uſed, and their houſes and ſugar-works preſerved; but the French broke the capitulation in ſeveral reſpects, treating them moſt barbarouſly, and burning their houſes and ſugar works, and by threats and ill-uſage forced many of them to form a ſecond agreement the 6th of April, promiſing the enemy in ſix months time to ſend to Martinico a certain number of negroes, or money in lieu thereof, after which they left the iſland. The commander and other officers of this ſquadron gave ſo little content to the French court by their conduct in this expedition, that they were put under

About this time there were made ſome changes in ſeveral public offices. The earl of Stamford, the lord Herbert of Cherburg, Robert Monkton, and John Pulteney, eſquires, were made commiſſioners of trade and plantations, in the room 1707. Changes and promotions.

der arreſt upon their arrival in France.

The marquis of Caermarthen, having offered to go with a ſmall ſquadron of men of war to Madagaſcar, to ſuppreſs the pirates there, who were become very troubleſome and dangerous to the navigation in thoſe parts, the commons appointed a committee to conſider that matter; and it was reſolved to preſent an humble addreſs to her majeſty, 'to take into her royal conſideration how the ſaid pirates might be ſuppreſſed; and another, that ſhe would be pleaſed to uſe her endeavours to recover and preſerve the ancient poſſeſſions, trade, and fiſhery in Newfoundland.'

The French refugees, by private direction of the biſhop of Sarum, and ſome other perſons in power, addreſſed the queen, repreſenting, 'That the proteſtant churches of France, tho' ever ſtruggling under oppreſſion, held formerly a conſiderable rank; and that her majeſty's predeceſſors had always ſuch a tender regard for them, as to protect and ſupport them to the utmoſt of their power: that the famous edict of Nantes, in favour of the proteſtants of France, was, in great meaſure, owing to the great intereſt queen Elizabeth had with king Henry the fourth of France: that king James the firſt, her majeſty's great-grandfather, did often interpoſe, by his ambaſſadors, in behalf of the French reformed churches. And that king Charles the firſt, her majeſty's grandfather, intervened as mediator in the treaty, which Lewis XIII. made with the Rochellers (who held the principal rank among the proteſtants of France) and afterwards, upon the French king's infraction of that treaty, begun a war with France upon that account.' Moreover, they ſet forth, 'That they found and accounted themſelves ſo happy in living under her majeſty's gentle government, and among a nation where they had been ſo kindly entertained, when driven from their native country by the violence of perſecution, that, if they had nothing but their own private intereſt in view, they would ſit quiet and eaſy, and be contented to ſhare the felicity of her majeſty's natural-born ſubjects; but that the juſt concern they ought to have for their brethren, relations, and friends, who ſtill groaned in France under the preſſure of perſecution, obliged them to lay hold on this occaſion, moſt humbly to beſeech her ſacred majeſty, that, when her thoughts ſhould be employed in ſettling the great concerns of Europe in a treaty of peace, her majeſty would graciouſly vouchſafe to take into her royal care the intereſt of the poor diſtreſſed churches

of

1707. room of the lord viſcount Weymouth, who had before reſigned that poſt, and of William Blaithwaite, John Pollexfen, and Matthew Prior, eſquires, who were laid aſide, as too ſtrongly attached to the tory-party. At the ſame time, by

'of France, which having been 'ruined by the ſuperſtitious 'vanity of the enemy, ſo it 'would add to the ſolid glory 'of her majeſty's reign, to be 'inſtrumental in reſtoring the 'ſame.' This addreſs having been preſented to the queen, on the 7th of April, by ſome of the moſt eminent perſons among the French refugees, ſhe was pleaſed to tell them, 'That 'ſhe always had a great com-'paſſion for the unhappy cir-'cumſtances of the perſecuted 'proteſtants of France: that 'ſhe would communicate her 'thoughts upon this matter to 'her allies; and ſhe hoped 'ſuch meaſures might be taken, 'as might effectually anſwer 'the intent of their petition.'

On the 15th of May, Andrew de Matneoff, ambaſſador extraordinary from the czar of Muſcovy, had a private audience of the queen, in which his excellency delivered to her majeſty a long letter from the czar, dated April 27, containing a detail of the ſervices he had done king Auguſtus from his firſt election to the crown of Poland; and 'complaints of 'the ill treatment of the Ruſſian 'troops ſent to his aſſiſtance; 'of the impriſoning of count 'Patkul, his miniſter and ge-'neral; of king Auguſtus's 'non-performance of the treaty 'made with the czar; and of 'his concluding a diſhonourable 'peace with the king of Swe-'den, without his czariſh ma-'jeſty's privity; purſuant to 'which he had delivered up 'count Patkul, on pretence of 'his being a Swediſh deſerter, 'contrary to the laws of na-'tions, and even cuſtom of the 'Barbarians:' deſiring, in the concluſion, 'That her Britan-'nic majeſty would uſe her 'good offices to procure the 'liberty of the ſaid Patkul, or, 'at leaſt, that he might be uſed 'as his czariſh majeſty's mini-'ſter, and not as a ſubject of 'the king of Sweden; as alſo 'to obtain the enlargement of 'the other Ruſſian general of-'ficers, and other ſubjects of 'Muſcovy, detained at Stock-'holm. As for the remaining 'of the Ruſſian auxiliaries, 'now upon the Rhine, the czar 'put them under her Britannic 'majeſty's protection, and de-'ſired, that they might enter 'into her majeſty's ſervice, or 'that of her allies; or, at leaſt, 'he intreated her majeſty's 'good offices, that they might 'have leave to return home 'with ſafety.' In compliance with the czar's deſire, the queen uſed her good offices in favour of count Patkul, but her interceſſion proved ineffectual, and that unfortunate gentleman was afterwards barbarouſly put to death.

The republic of Venice, having at laſt appointed the chevaliers Erizzo and Piſani their ambaſſadors extraordinary, to compliment the queen on her acceſſion to the throne, their excellencies

by the intereſt of Mr. ſecretary Harley, Sir Simon Harcourt was conſtituted attorney-general, in the room of Sir Edward Northey; Sir James Montague ſucceeded Sir Simon Harcourt in the place of ſolicitor-general; and the honourable Spencer 1707.

celſencies made their public entry into London, on the 19th of May, in a very magnificent manner; and having, for three days, been ſplendidly entertained at Somerſet-houſe, had their public audience of the queen, on the 22d, at St. James's-houſe. Three days after they had a private audience of her majeſty, and then returned homewards, ſignior Cornaro, the Venetian ambaſſador in ordinary, continuing here to take care of the concerns of that republic.

The government thinking fit to check the licentiouſneſs of the preſs, William Pittis, being convicted of writing a ſcandalous and ſeditious libel, intitled, 'The caſe of the church of 'England's memorial fairly 'ſtated: or, a modeſt inquiry 'into the grounds of thoſe pre'judices, that have been enter'tained againſt it,' was fined by the court of Queen's-bench one hundred marks, and to ſtand in the pillory at Charing-croſs with a paper on his head, denoting his offence; and alſo near the Royal-Exchange in Cornhill in like manner. Which ſentence was executed accordingly. George Sawbridge, convicted of publiſhing that libel, was fined two hundred pounds, and committed to the Queen's-bench priſon till he paid the ſame; and alſo to be brought by the marſhal of that priſon to all the courts at Weſtminſter (the courts ſitting) with a paper on his head, denoting his offence.

On the 30th of April the caſe of Dr. James Drake, indicted for writing a pamphlet, called 'Mercurius politicus,' was argued at the Queen's-bench bar; but it appearing, that, in the libel ſet forth in the information, the word nor was inſerted, and in the libel given in evidence the word not; upon arguing of that error, the court inclined for the party accuſed; whereupon the trial was adjourned, and he was afterwards acquitted. The ſame day Dr. Joſeph Browne was tried at Guild-Hall before the lord-chief-juſtice Holt for handing to the preſs a paper of verſes, called, 'The country parſon's 'advice to the lord-keeper;' where, in a groſs, ironical way, the archbiſhop of Canterbury, the dukes of Southampton, Richmond, Somerſet, Bolton, and Devonſhire, the earls of Montague, Pembroke, Eſſex, and Orford, the lords Sommers, Mohun, Haverſham, Wharton, and Hallifax, and the biſhop of Saſum, were ſcurrilouſly reflected upon. The charge being plainly proved by the printer, and by Mr Lewis, ſecretary to Mr. Harley, the jury brought the doctor in guilty; and ſome time after he received ſentence to ſtand in the pillory, which was executed upon him.

On the 8th of May, being the laſt day of the term, judge Powel, in the court of Queen's-bench,

1706. Spencer Compton, who had exerted his zeal and abilities in the treaty of union, was made treaſurer and receiver-general to prince George of Denmark, and pay-maſter to her majeſty's penſions, in the room of Mr. Nicholas. In the beginning

bench, pronounced ſentence againſt Mr William Stephens, rector of Sutton in Surry, for writing a ſeditious pamphlet, called, 'A letter to the author 'of the memorial of the church 'of England:' which contained moſt ſcandalous reflections on the duke of Marlborough's conduct laſt campaign, and againſt Mr. ſecretary Harley. The judge told the priſoner, 'That his offence was the 'greater, in that it was the 'duty of his calling to teach 'others the poſitive precept of 'the goſpel about the reverence 'we owe to ſovereigns, and 'thoſe who are in authority 'under them; but, that his 'crime was ſtill the more hainous in abuſing the duke of 'Marlborough, a peer, who 'had done ſuch glorious actions 'for his country, and ſo well 'deſerved of the common 'cauſe:' adding with reſpect to the ſecretary, 'That the 'traducing the queen's miniſters was a down-right abuſe 'upon her majeſty herſelf.' Stephens would have ſpoken ſomething by way of ſubmiſſion, but the judge pronounced the judgment of the court againſt him; which was, 'That 'he ſhould be fined an hundred 'marks, and ſtand twice in the 'pillory with a paper fixed to 'his hat, denoting his offence; 'the firſt time at Charing-croſs, 'and the next day before the 'Royal Exchange; and that 'he ſhould find ſureties for his 'good behaviour for a twelve-'month. However, it being repreſented and conſidered, that the inflicting ſuch an ignominious puniſhment on a perſon in holy orders might give offence to the whole clergy; the execution of this ſentence was firſt ſuſpended, and at laſt the pillory remitted, though with this mortifying circumſtance, that Stephens was brought to a public houſe at Charing-croſs, from whence he ſaw the ſcaffold, and multitudes of people gathering together to be ſpectators of his diſgrace.

On the 6th of November, Dr. Joſeph Browne being convicted of writing and publiſhing another ſcandalous and ſeditious libel, intitled, 'A letter to the 'right honourable Mr. ſecre-'tary Harley, occaſioned by his 'late commitment to Newgate: 'together with his interpretation of that paper, called, 'The country-parſon's advice 'to my lord keeper;' laid to his charge; reflecting upon the great officers of ſtate, and ſeveral of the nobility of this kingdom, was, on the 14th of November, fined for the ſame by the court of Queen's-bench forty marks, and ordered to ſtand in the pillory two days after at Charing-croſs, and alſo near the Royal-Exchange in Cornhill, and to give ſecurity for his good behaviour for one year

Edward Ward, being convicted of writing, printing, and publiſhing

beginning of May, the queen declared the lord Cowper lord high-chancellor of Great-Britain. In like manner, the lord Godolphin was appointed lord high-treaſurer of Great-Britain. Prince George of Denmark took the oath in the court of Chancery, as lord high-admiral of Great-Britain, and by a new commiſſion appointed Sir David Mitchell, George Churchill, Mr. Robert Walpole, and Sir Stafford Fairborne, to be council in the affairs of the admiralty. In January, the earl of Mancheſter received his inſtructions to go ambaſſador extraordinary to the republic of Venice, and, in his journey thither, he went to the courts of Vienna and Turin. But the moſt conſiderable change had been made in December, by the promotion of the earl of Sunderland to the poſt of ſecretary of ſtate, in the room of Sir Charles Hedges: Though it was not till after much ſolicitation, that the queen could be prevailed with to make this alteration (1). 1707.

The

publiſhing ſeveral ſcandalous and ſeditious libels, particularly, Hudibras Redivivus, Or, A Burleſque Poem on the times, highly reflecting upon the queen and the government, was likewiſe, on the 14th of November, fined forty marks, and ordered to ſtand twice in pillory, with a paper on his head, denoting his offence, and to give ſecurity for his good behaviour for one year. Some were of opinion, that theſe, and other proſecutions of the like nature, were chiefly promoted by Mr. ſecretary Harley, not only that he might thereby appear to be entirely devoted to the general and treaſurer, but with a deeper deſign of rendering them obnoxious by thoſe unpopular ſeverities.

(1) The ducheſs of Marlborough, in the account of her conduct, p. 172, obſerves, That the Whigs, after the ſervices they had done, and the aſſurances the queen had given them, thought it reaſonable to expect, that one of the ſecretaries at leaſt ſhould be ſuch a man, as they could place a confidence in. They believed they might truſt the earl of Sunderland; and, though they did not think him the propereſt man for the poſt, yet, being the duke of Marlborough's ſon-in-law, they choſe to recommend him to her majeſty, becauſe, as they expreſſed themſelves to the ducheſs, they imagined it was driving the nail that would go. The duke indeed was not in his inclination for this promotion of the earl; but, how hard preſſed both he and the lord-treaſurer Goldolphin were by the whigs to have it brought to effect, appears from the following letter of his to the ducheſs, dated at Grametz in October 1706. 'When I writ my laſt, I 'was very full of the ſpleen, 'and, I think, with too much 'reaſon: My whole time, to 'the beſt of my underſtanding, 'has

1707. The convocation, as usually, sat this winter with the parliament. Though they had, in their former session, dis-

The convocation would have opposed the union, but prevented.

fered

'has been employed for the public good, as I do assure you. I do in the presence of God, neglecting no opportunity of letting 83 [the queen] see what I take to be her true interest. It is terrible to go through so much uneasiness. I do not say this to flatter any party for I will never do it, let the consequence be what it will. For as parties, they are both in the wrong. But it is certain 73 * and his adherents are not to be trusted. So that 83 [the queen] has no choice but that of employing those, who will carry on the war, and support 91 [lord Godolphin.] And, if any other method is taken, I know we shall go into confusion. Now, this being the case, I leave you to judge, whether I am dealt kindly with? I do not say this for any other end but to have your justice and kindness, for in that will consist my future happiness. I am sure I would venture a thousand lives, if I had them, to procure ease and happiness to the queen. And yet no number of men could persuade me to act as a minister in what was not my opinion. So that I shall never fail in speaking my mind very freely, and as my opinion is, that the tackers, and all the adherents of 73, are not for carrying on the war, which is for the true interest of the queen and kingdom; you may depend I shall never join with with any but such, as I think will serve her and the true interest of our country with all their hearts. And, if the war continues but one year longer, with success, I hope it will not be in any body's power to make the queen's business uneasy. And then I should be glad to live as quiet, as possible, and not envy the governing men, who would, then, I believe, think better of, so [duke of Marlborough [and 91 [lord Godolphin] than they now do. And I will own frankly to you, that the jealousy some of your friends have, that 90 [the duke of Marlborough] and 91 [lord Godolphin] do not act sincerely, makes me so weary, that, were it not, for my gratitude for 83 [the queen,] and concern for 91 [lord Godolphin,] I would now retire, and never serve more. For I have had the good luck to deserve better from all Englishmen than to be suspected for not being in the true interest of my country, which I am in, and ever will be, without being of a faction. And this principle shall govern me for the little remainder of my life. I must not think of being popular; but I shall have the satisfaction of my going to the grave with the opinion of having acted, as became an honest man. And, if I have your esteem and love, I should think myself entirely happy. Having writ thus far, I have received your two letters of the 20th and 21st, which confirm me in my opinion before. And,

* Supposed to be Rochester.

fered much about the form of an addreſs to the queen, yet now they agreed pretty unanimouſly, and both houſes preſented 1707.

'And, ſince the reſolution is 'taken to vex and ruin 91 [lord 'Godolphin,] becauſe 83 [the 'queen] has not complied with 'what was deſired for 117 [lord 'Sunderland;] I ſhall from 'henceforth deſpiſe all man-'kind, and think there is no 'ſuch thing as virtue. For I 'know with what zeal 91 [lord 'Godolphin] has preſſed 83 [the 'queen] in that matter. I do 'pity him, and ſhall always 'love him as long as I live, and 'never be a friend to any, that 'can be his enemy.

'I have writ my mind very 'freely to 83 [the queen] on 'this occaſion; ſo that, what-'ever misfortune may happen, 'I ſhall have a quiet mind, 'having done what I thought 'my duty. And, as for the 'reſolution of making me un-'eaſy, I believe they will not 'have much pleaſure in that; 'for, as I have not ſet my heart 'on having juſtice done me, I 'ſhall not be diſappointed, nor 'will I be ill uſed by any 'man.'

The dutcheſs of Marlborough likewiſe wrote the following letter to the queen on this occaſion:

'By the letter I had from 'your majeſty this morning, 'and the great weight you put 'upon the difference betwixt 'the word notion and nation in 'my letter, I am only made 'ſenſible (as by many other 'things) that you were in a 'great diſpoſition to complain 'of me, ſince to this moment 'I cannot for my life ſee any 'eſſential difference betwixt 'theſe two words as to the ſenſe 'of my letter, the true mean-'ing of which was only to let 'your majeſty know with that 'faithfulneſs and concern which 'I have ever had for your ſer-'vice, that it was not poſſible 'for you to carry on your go-'vernment much longer with 'ſo much partiality to one ſort 'of men, though they loſe no 'opportunity of diſſerving you, 'and of ſhewing the greateſt 'inveteracy againſt my lord 'Marlborough and my lord 'treaſurer, and ſo much diſ-'couragement to others, who, 'even after great diſobligations, 'have taken ſeveral opportuni-'ties to ſhew their firmneſs to 'your majeſty's intereſt, and 'their zeal to ſupport you and 'your miniſters too, only be-'cauſe they had been faithful 'and uſeful ſervants to you and 'the public.

'This was all the ſenſe and 'meaning of my letter; and, 'if you can find fault with this, 'I am ſo unhappy, as that you 'muſt always find fault with 'me; for I am uncapable of 'thinking otherwiſe as long as 'I live, or of acting now but 'upon the ſame principle, that 'I ſerved you before you came 'to the crown, for ſo many 'years, when your unlimited fa-'vour and kindneſs to me could 'never tempt me to make uſe of 'it in one ſingle inſtance, that 'was not for your intereſt and 'ſervice.

1707. ſented a congratulatory addreſs upon the wonderful ſucceſs of her arms, and acknowledged the church to be in a ſafe

'ſervice. I am afraid I have
'been too long in explaining
'my thoughts upon the ſubject
'of my own letter, which it
'ſeems has been ſo great an of-
'fence; and how juſtly I leave
'you to judge; and I muſt beg
'your patience, ſince I am not
'very like to trouble you
'again, to let me ſay ſome-
'thing upon the ſubject of your
'letter to my lord-treaſurer,
'which he has ſhewn me to-
'day, with more concern than
'I know how to expreſs. This
'was indeed the ſubject of my
'own letter, and the occaſion
'of it; for I do not only ſee
'the uneaſineſs and the grief
'he has to leave your ſervice,
'when you ſeem ſo deſirous he
'ſhould continue in it; but I
'ſee, as well as he, the impoſ-
'ſibility of his being able to
'ſupport it, or himſelf, or my
'lord Marlborough, for it all
'hangs upon one thread; and,
'when they are forced to leave
'your ſervice, you will then
'indeed find yourſelf in the
'hands of a violent party, who,
'I am ſure, will have very little
'mercy or even humanity for
'you. Whereas you ought to
'prevent all theſe misfortunes
'by giving my lord-treaſurer
'and my lord Marlborough
'(whom you may ſo ſafely
'truſt) leave to propoſe thoſe
'things to you, which they
'know and can judge to be ab-
'ſolutely neceſſary for your ſer-
'vice, which will put it in their
'power to influence thoſe who
'have given you proofs, both
'of their being able to ſerve
'you, and of their deſiring to
'make you great and happy.
'But, rather than your majeſty
'will employ a party-man, as
'you are pleaſed to call lord
'Sunderland, you will put all
'things in confuſion; and, at
'the ſame time, that you ſay
'this, you employ Sir Charles
'Hedges, who is in one againſt
'you, only, that he has voted
'in remarkable things, that he
'might keep his places; and he
'did the ſame thing in the late
'king's time, till at laſt, that eve-
'ry body ſaw he was juſt dying,
'and he could loſe nothing by
'differing with that court. But
'formerly he voted with theſe
'men, the enemies to this go-
'vernment called whigs; and
'if he had not been a party-
'man, how could he have been
'ſecretary of ſtate, when all your
'councils were influenced by
'my lord Rocheſter, lord Not-
'tingham, Sir Edward Sey-
'mour, and about ſix or ſeven
'more juſt ſuch men, that call
'themſelves the heroes for the
'church? But what church can
'any man be of, that would
'diſturb ſo juſt a government as
'yours? Or how can any body
'be in the true intereſt of Eng-
'land that oppoſes you and
'your miniſters, by whoſe ad-
'vice, in four years time, you
'are very near pulling down
'the power of France, and
'making that religion, they on-
'ly talk of, not only more
'ſecure than in any of the late
'reigns, but putting it upon a
'better foundation than it has
'been ſince the reformation?

'You are pleaſed to ſay, you
'think it a great hardſhip to

per-

and flouriſhing condition under her majeſty's adminiſtration. 1707.
But, notwithſtanding this addreſs, when the debates concerning the union were before the parliament, ſome in the lower-houſe ſpoke very tragically, on that ſubject, and a

'perſuade a man to part with a 'place he is in poſſeſſion of, 'for one that is not vacant. 'In ſome caſes that were cer'tainly right, but not in this; 'for Sir Charles Hedges can 'have the place he deſires im'mediately; and it is much 'better for him, unleſs he 'could be ſecretary of ſtate for 'life. He will have two places, 'that are conſiderable, one of 'which he can compaſs no 'other way; and this is ſo far 'from being a hardſhip, that 'he, and all the world muſt 'think it a great kindneſs done 'him; and he muſt be a very 'weak man, if he loſt the op'portunity of having ſuch a 'certainty, when he cannot 'flatter himſelf, that (whatever 'happens) he can be ſupported 'long in a place of that con'ſequence, for which he is ſo 'unfit. He has no capacity, 'no quality, no intereſt, nor 'ever could have been in that 'poſt, but that every body 'knows, my lord Rocheſter 'cares for nothing ſo much as 'a man that he thinks will de'pend upon him. I beg your 'majeſty's pardon for not wait'ing upon you; and I perſuade 'myſelf, that, long as my let'ter is, it will be leſs trouble 'ſome to your majeſty.'

It was a wonder to many, as the ducheſs obſerves, that this affair of the earl of Sunderland's promotion met with ſuch difficulties, conſidering his relation to the duke, whoſe merit, with his queen and country was every year augmenting. But, it quickly appeared, that the difficulties raiſed by her majeſty againſt parting with Sir Charles Hedges, were wholly owing to the artifice and management of Mr. Harley the other ſecretary of ſtate, whoſe intereſt and ſecret tranſactions with the queen were then doubtleſs in their beginning. Harley had been put into that poſt by the lords Marlborough and Godolphin, when my lord Nottingham, in diſguſt, reſigned it. They thought him a very proper perſon to manage the houſe of commons, upon which ſo much always depends. And his artifices had won upon them ſo far, that they could not be perſuaded, but they might ſafely truſt him, till experience too late convinced them of the contrary. But it is no wonder, that, with ſuch views, as he then had, he ſhould be unwilling to ſee a ſecretary of ſtate diſplaced, over whom he thought he had ſome influence, and through whoſe hands the greater part of the buſineſs of his own office (ſcandalouſly neglected by himſelf) uſed to paſs; and much more unwilling to have him ſucceeded by a perſon, over whom he had no power whatſoever. As for Sir Charles Hedges, when he found how backward the queen was to diſmiſs him, he was ſo prudent, as to make a greater advantage to himſelf, by quitting his poſt, than he could have done by holding it.

1707. committee was named to conſider of the preſent danger of the church. This was carried, by the private management of ſome aſpiring men amongſt them, who hoped, by a piece of ſkill, to ſhew what they could do, that it might recommend them to farther preferment; they were much cried out on, as betrayers of their party, for carrying that addreſs; ſo, to recover their credit, and becauſe their hopes from the court were not ſo promiſing, they reſolved now to act another part. It was given out, that they intended to make an application to the houſe of commons againſt the union; to prevent that, the queen wrote to the archbiſhop, ordering him to prorogue them for three weeks: By this means that deſign was defeated, for, before the end of the three weeks, the union had paſſed both houſes. But, when one factious deſign failed, they found out another; they ordered a repreſentation to be made to the biſhops, which ſet forth, that, ever ſince the ſubmiſſion of the clergy in Henry the eighth's time, which was for a courſe of a hundred and ſeventy-three years, no ſuch prorogation had ever been ordered, during the ſitting of parliament: And they beſought the biſhops, that from the conſcientious regard, which they doubted not they had, for the welfare of this church, they would uſe their utmoſt endeavours, that they might ſtill enjoy thoſe uſages, of which they were poſſeſſed, and which they had never miſemployed: With this, they brought up a ſchedule, containing, as they ſaid, all the dates of the prorogations, both of parliament and convocation, thereby to make good their aſſertion: And, to cover this ſeeming complaint of the queen's proceedings, they paſſed a vote, that they did not intend to enter into any debate concerning the validity of the late prorogation, to which they had humbly ſubmitted. It was found to be a ſtrange and a bold aſſertion, that this prorogation was without a precedent: Their charge, in the preſerving their uſages, on the conſciences of the biſhops, inſinuated that this was a breach made on them: the biſhops ſaw this was plainly an attempt on the queen's ſupremacy; ſo they ordered it to be laid before her majeſty: and they ordered alſo a ſearch to be made into the records. For though it was an undoubted maxim, that nothing but a poſitive law could limit the prerogative which a non-uſage could not do; yet they ordered the ſchedule, offered by the lower-houſe, to be compared with the records: They found that ſeven or eight prorogations had been ordered, during the ſitting of parliament, and there were about thirty or forty more, by which it appeared, that the convocation ſat ſometimes before,

fore, and ſometimes after a ſeſſion of parliament, and ſat ſometimes, even when the parliament was diſſolved: Upon all this, the queen wrote another more ſevere letter to the archbiſhop (who had now prorogued the convocation to the 10th of April) in which ſhe ſignified her reſentment of the lower-houſe: Intimating, that ſhe looked upon them as guilty of an invaſion of her royal ſupremacy repoſed in her, by the law and the conſtitution of the church of England; and declaring, that, if any thing of the like nature was attempted for the future, it would make it neceſſary for her to uſe ſuch means for the puniſhing offences of this nature, as are warranted by law. The lower-houſe continued ſitting after the prorogation. But, on April 10, when the archbiſhop ſent for the lower-houſe, to communicate her majeſty's letter, and ſome members appeared without the prolocutor, he aſked for him, and was told he was gone into the country. This appeared to be a contempt or neglect of ſuch a nature, that it was not to be ſuffered; whereupon he proceeded to paſs a ſentence of contumacy againſt him for his abſence, reſerving the puniſhment of his crime to the 30th of the ſame month, to which day the convocation was prorogued, by a ſchedule, backed with a royal writ. The archbiſhop deferred the puniſhment, on purpoſe, that the prolocutor might have opportunity by his ſubmiſſion on that day that was fixed on, to have prevented it. But, in this interval, a proteſtation againſt the archbiſhop was prepared, by the diſſatisfied members of the lower-houſe, which was offered to the houſe on April 30, with an intimation, that it was the opinion of an eminent counſellor who had been adviſed with, that no proceſs, begun before the prorogation upon the royal writ, could be continued after ſuch prorogation; and a concern ſeemed to be diſcovered, that the royal ſupremacy ſhould be this way broken in upon: And ſo they who by the archbiſhop, and the queen herſelf, were charged with invading the royal ſupremacy, were willing it ſhould be believed, that none had a greater concern for the ſupremacy than they, and therefore by a proteſtation, which was carried up April 30, by the prolocutor, the majority of the lower-houſe declared the ſentence of contumacy, and the proceſs continued after the prorogation, to be an invaſion of the royal ſupremacy, unlawful, and altogether null: And yet, though the prolocutor carried up this at the command of the houſe, and was preſſed by his party to ſtand it out, yet, upon ſounder advice given him by ſome, who underſtood the law

1707.

1707. better, he made a full ſubmiſſion, with which the archbiſhop was ſatisfied, and the ſentence was taken off. However, a party continued with great impudence to aſſert, that their ſchedule was true, and that the queen was miſinformed, tho' the lord-chancellor and the lord chief-juſtice Holt, had, upon peruſal of the records, affirmed to the queen, that their aſſertion was falſe, and that there were many precedents for ſuch prorogations.

Expectations of the enſuing campaign not anſwered. Hare.

The unparalleled ſucceſſes of the allies, in the glorious and ever-memorable year 1706, and the many eminent misfortunes to the French king in one campaign, raiſed great expectations from the next, and made it concluded, that the time was come, in which the perfidy, tyranny, and cruelty of that king's long and bloody reign were going to be repaid him with the ſame meaſures wherewith he had formerly treated others. But the events of the enſuing campaign produced a contrary effect, and proved very unfortunate to the allies. The offers of peace, made by France, had been indeed rejected by Great-Britain and Holland, but the inclination (as hath been obſerved) expreſſed by ſome perſons to come to a treaty with the French, upon the terms offered, was thought to have raiſed, in the Imperial court, a ſtrong jealouſy, that the maritime powers were tampering with France, and making terms for themſelves, to which the intereſt of Auſtria was to be ſacrificed. And this jealouſy was ſuppoſed to have put that court upon meaſures, that had a fatal influence on the campaign of this year; and to have occaſioned the two moſt unfortunate events that happened during the whole war. For the concluſion of a treaty with the French, for evacuating the Milaneſe, without the privity of England and Holland, gave the French an opportunity of ſending immediately into Spain a great body of good veteran troops, to the aſſiſtance of king Philip, whoſe army had by that means the ſuperiority over the allies, and gained the battle of Almanza. And the expedition to Naples was the chief cauſe of the ill ſucceſs of the deſign again Toulon.

The Milaneſe evacuated. Burnet.

As to the affair of the Milaneſe, the French were loſing place after place in Lombardy. Cremona, Mantua, and the citadel of Milan were the only places, that were left in their hands. It was not poſſible to maintain theſe long without a greater force, nor was it eaſy to convey that to them. On the other hand, the reducing thoſe fortreſſes was like to be a work of time, which would fatigue thoſe troops, and would bring a great charge with it. A capitulation was

therefore

therefore propoſed for delivering up thoſe places, and for allowing the French troops a free march into Dauphiné. As ſoon as this was ſent to Vienna, it was agreed to, without communicating it to the allies, which gave juſt cauſe of offence. It was ſaid in excuſe, that every general had a power to agree to a capitulation; and conſequently the emperor in this caſe, was not bound to ſtay for the conſent of the allies. This was true, if the capitulation had been for one ſingle place; but this was of the nature of a treaty, being of a greater extent. By this the French ſaved ten or twelve thouſand men, who muſt have all been, in a little time, made priſoners of war. They were veteran troops, and were ſent into Spain; the ill effects of which were quickly felt. 1707.

The deſign was formed for the following campaign after this manner: The duke of Savoy undertook to march an army into France, and to act there, as ſhould be concerted by the allies (1). Some propoſed the marching through Dauphiné

(1) In the memors of Chriſtian Cole, Eſq; p. 432. is the following project concerted with the duke of Savoy.

Her majeſty the queen, having obſerved with pleaſure, that his royal highneſs was entirely bent to conform himſelf to the deſign ſhe has long had, to execute the enterprize againſt Toulon, as ſoon as the affairs of Italy would permit it, has ordered her miniſters to hold conferences with thoſe of his royal highneſs about this expedition, in which was regulated and reſolved upon what follows:

1. Her majeſty will furniſh forty ſhips of the line at the time and place fit for the enterprize of Provence, with a ſufficient number of tranſport-ſhips, to carry proviſions and ammunition from Oneglia and the coaſts of Genoa to that of France, when the army ſhall be there.

2. His royal highneſs will be pleaſed to let it be known, as ſoon as poſſible, about what time, and at what place, the fleet ſhall come, that ſo we may here take infallible meaſures, that it may be ready and furniſhed with every thing; and his royal highneſs is deſired not to let the fleet come to the place of meeting, but juſt at the time he ſhall judge it to be indiſpenſably neceſſary to let it act; and then the fleet ſhall be abſolutely under his orders, and the admirals ſhall have poſitive orders to obey him, and ſhall be entirely at his diſpoſition, during the time he ſhall remain with the army in Provence.

3. Whilſt we wait for the time, that is proper for theſe operations, there will be ſhips enough in the ſeas of Italy, to keep the enemies in their ports, and hinder the tranſports on the coaſts of Italy; and, according to

1707. Dauphiné to the Rhone, and ſo up to Lyons; but, an attempt upon Toulon being thought the moſt important thing which could be deſigned, that was determined. Marſhal de Teſſe was ſent to ſecure the paſſes, and to cover France on that ſide. Prince Lewis of Baden dying this winter, little eſteemed and little lamented, the marquis of Bareith had the command of the army on the Upper Rhine, from whom leſs was expected; and he was ſo ill ſupported, that he could do nothing. The court of Vienna was ſo ſet on the reduction

to the advices we ſhall receive of armaments at Toulon, theſe ſhips ſhall be reinforced from time to time.

4. His royal highneſs is deſired to take care to have certain advices of the armaments, that ſhall be made at Toulon, and to let admiral Shovel, who commands the fleet, know them; and afterwards to have the goodneſs to let us know here, what he may have wrote to admiral Shovel, who will conform himſelf to his orders and advice.

5. The admiral is to furniſh as many cannon for the batteries, as his royal highneſs ſhall judge to be neceſſary for the expeditions in Provence; but his royal highneſs is to furniſh the carriages, that are neceſſary, the fleet carrying none that are fit for the land.

6. His royal highneſs is alſo to furniſh the mortars with their carriages, as alſo the bombs, lead, and the bullets of that ſize which he ſhall judge neceſſary, there being cannon of all ſorts on board the fleet; all which he may cauſe to be brought out of the Milaneſe to the coaſts of Genoa and Piedmont, and to Oneglia, as he ſhall think proper to be afterwards brought by the tranſport ſhips, where he ſhall order it.

7. The ſhips ſhall furniſh ſome quantity of powder.

N. B. This article is to be farther explained.

8. His royal highneſs will have the goodneſs to take care of eſtabliſhing magazines for proviſions, and oats, and other things neceſſary for the army, in the places which he ſhall judge moſt proper for the enterprize; as alſo to find voitures and mules to paſs the mountains, and to ſerve in the army during the campaign, as well in Provence, as in Dauphiné.

9. The queen and the States-General will, upon this project, continue the twenty-eight thouſand men in their pay; and they will take care to have them fully recruited, and that early; and the court of Vienna will leave the whole body of troops, which was employed during the laſt campaign in Piedmont, in Lombardy, to ſerve in the expedition of France, and will recruit it as they have promiſed, which will make thirteen thouſand recruits of foot, and four thouſand new horſe, which body of troops is to be in a condition to act in the month of April.

10. His royal highneſs will, on his ſide, uſe all his endeavours to reſtore and augment his

tion of Hungary, that they thought of nothing elſe. The Hungarians were very numerous, but they wanted both officers and diſcipline. Ragotſki had poſſeſſed himſelf of almoſt all Tranſilvania; and the Hungarians were ſo alienated from the emperor, that they were conſulting about chuſing a new king. 1707.

The campaign was opened very fatally in Spain. It has been related, that in a council of war held at Valencia in February, 1706-7, (at which were preſent the earls of Peterborough, Galway, and Rivers, and general Stanhope) it was reſolved to act offenſively, ſeek out the enemy, and endeavour to bring them to a battle, on the ſtrength of the reinforcement arrived from England under earl Rivers. This reſolution was not generally approved, for the earl of Peterborough, Affairs in Spain. M S. Friend. Brodrick.

his troops to the number mentioned in the treaty.

11. As to the troops, his royal highneſs is to chuſe thoſe he ſhall think proper to enter into France, or to remain in Piedmont and Lombardy, and no general ſhall be allowed to make any difficulty to obey his orders; and her majeſty and the States-General will obtain from the princes, to whom the troops in their pay belong, expreſs orders to their reſpective generals, ſo that his royal highneſs may have the abſolute command of them.

12. It is deſired, that his royal highneſs may enter into France with the greateſt number of forces, which the conjunctures of the times, and the ſituation of the enemies may require, and all within the month of May, if it be poſſible, having always this principal aim upon Toulon, which is to be the firſt object of the campaign.

13. Forty thouſand pounds ſterling will be furniſhed for the extraordinary expences; And, if that ſum be not ſufficient, we will give the ſurplus, which ſhall be judged neceſſary by his royal highneſs, in whom we place an intire confidence.

N. B. After the return of the courier, this article was changed, and the queen ſent fifty thouſand pounds ſterling immediately to the duke of Savoy, with a promiſe, that if the deſign upon Toulon ſhould ſucceed, ſhe would pay bills, which the duke of Savoy might draw, for fifty thouſand pounds ſterling more.

14. There will be no troops for a debarkment on board the fleet, while the affairs of Spain will not permit it.

15. The expedition of Naples, that was propoſed, is excluded, as being judged at preſent impracticable, and hurtful to the campaign in France.

If his royal highneſs has any thing to object or to add to theſe articles, he is deſired to do it by an expreſs, that ſo a final reſolution may be taken about his remonſtrances, and be ſent him by the ſame expreſs at his return.

1707. borough, though diſmiſſed from the command of the army (which, upon the departure of earl Rivers, was devolved to lord Galway) gave his opinion in writing againſt an offenſive war in Spain, urging, "That the confederate troops in "Italy, under the command of the duke of Savoy, and "prince Eugene, could only give the mortal blow, by en"tering France. That the difficulties of ſubſiſting armies "in Caſtile were ſufficiently apparent in the laſt campaign. "That the dangers were evident, of putting the whole "upon the riſque of paſſing to Madrid, before an army ſu"perior in cavalry: And, that, above all things, the de"fence of Catalonia, Arragon, and Valencia was neceſſa"ry." However, the contrary reſolution being taken, the earl of Galway, the more to ſtrengthen the confederate army, ſent orders to the lord Tyrawley's regiment, and the two battalions of marines, who were quartered in Catalonia, to march and join him. But the vice-roy of that principality would not ſuffer them to march from their quarters, or part with any troops out of the province, without the king's orders, which was often ſolicited, but could not be obtained. King Charles, towards the end of February, declared, to the generals of the allies, his intention of going into Catalonia: and a few days after, proceeded in his journey thither, taking with him the regiment of dragoons of Winterfeldt, conſiſting of five ſquadrons, with count Talais's regiment of Dutch foot. But, at his departure, he promiſed the confederate generals, that whenever it ſhould be thought proper to march to Madrid, he would be ready to join them, with the troops from Catalonia (1).

Whilſt

(1) Biſhop Burnet ſays (vol. II. 475.) 'That king Charles 'pretended there was an army 'coming into Catalonia from 'Rouſſillon, and that it was 'neceſſary for him to march 'into that country. The di'viding a force, when the whole 'together was not equal to the 'enemy's, has often proved fa'tal. He ought to have made 'his army as ſtrong as poſſibly 'he could, and to have marched 'with it to Madrid, for the 'reſt of Spain would have fallen 'into his hands upon the ſuc'ceſs of that expedition. But 'he perſiſted in his firſt reſolu'tion, and marched away with 'a part of the army, leaving 'about ſixteen thouſand men 'under the earl of Galway's 'command. They had eaten 'up all their ſtores in Valencia, 'and could ſubſiſt no longer 'there; ſo they were forced 'to break into Caſtile. The 'duke of Berwick came againſt 'them with an army not much 'ſuperior to theirs; but the 'court

Whilſt earl Rivers * was gone to the council of war at Valencia, all the troops, both Engliſh and Dutch, began to march under lieutenant-general Erle, to join lord Galway, and with them the regiments of lord Montjoy, colonel George's, and colonel Alnott's. Brigadier Farrington's regiment was reduced, and the men put into Southwell's and Breton's. The marquis de Montandre's regiment, in its march from Alicant to join the reſt, was ſurprized, and almoſt all killed or taken priſoners. The two regiments of Sir

1707. The battle of Almanza.

* This account is taken from the manuſcript before-mentioned.

'court of France had ſent the 'duke of Orleans into Spain 'with ſome of the beſt troops, 'that they had brought from 'Italy; and theſe joined the 'duke of Berwick a day before 'the two armies engaged.' Dr. Friend obſerves, p. 181, &c. that ſoon after the earl of Peterborough had given his opinion in writing in the council of war at Valencia, on the 4th of February, 1707. N. S. againſt an offenſive war in Spain, he left that kingdom, and went a ſecond time to Italy and Turin, from which city he wrote a letter on the 21ſt of April, 1707, to the Portugueſe ambaſſador, in which he preſſed more earneſtly, and explained more at large, the advice, which he had given in the council of war. But, before his ſcheme could reach Spain, the confederate generals had entered upon other meaſures. Mr. Boyer tells us; p. 291, 'That king Charles, 'with his German and Spaniſh 'generals and miniſters, and 'count Noyelles, concurred 'with the earl of Peterborough, 'but were over-ruled by briga-'dier Stanhope, the queen's 'miniſter, who declared in her 'name, That her poſitive or-'ders were, that they ſhould 'ſeek the enemy, march to 'Madrid, and not divide the 'forces upon any occaſion 'whatſoever.' The earl of Galway, in his Narrative, gives this account: 'I joined 'with thoſe, that were of opi-'nion, that it was by no ways 'convenient to divide the 'troops, as may appear by a 'copy of that opinion ſigned 'by my lord Tyrawley, and by 'me, bearing date the 15th 'day of January, 1706-7. But 'I muſt beg leave to obſerve, 'that this was not the deciſive 'council for the operations of 'the campaign, for many ſub-'ſequent councils were held in 'the king's preſence more im-'portant than this; and tho' 'in them there might have been 'ſome variety of opinions as to 'the manner, yet almoſt all 'the generals and miniſters, 'that aſſiſted at thoſe councils, 'agreed perfectly in the ſub-'ſtance, which was, that we 'ſhould join our troops, and 'march to Madrid. Some in-'deed were for paſſing through 'the plains of la Mancha, and 'croſſing the Tagus; but this 'opinion was over-ruled, be-'cauſe of the hazard in paſſing 'the river, if the enemy op-'poſed us, and of the ſcarcity

'of

1707. Sir Charles Hotham and Colonel Syburg were left to garrison that town and caſtle, though very weak, and Syburg was

of proviſions in the Mancha, which had been exhauſted by the enemy's winter-quarters: For which reaſons it was, after many debates, agreed, that we ſhould take the way of Valencia and Arragon, paſſing the Tagus at its head, to avoid all oppoſition. But, leſt the kingdom of Valencia might by this means be any ways expoſed, it was likewiſe reſolved, before we ſhould begin our march, to deſtroy all the enemy's magazines of proviſions and forage in the country bordering upon the frontier of Valencia, to prevent them from making any incurſions; and I do take upon me to aver, that nothing was ever tranſacted, during the time I had the honour to command the queen's troops, contrary to the poſitive reſolution of any general council, or council of war, unleſs that reſolution was afterwards repealed by ſome ſubſequent council.

So ſenſible was every one of our being already too weak, that it was reſolved to deſire my lord Rivers (who was lately arrived at Liſbon) would join us with the troops, that came under his command from England, which his lordſhip did not long after.

For the better execution of what had been reſolved for our march through Valencia and Arragon, proper commiſſaries and officers were diſpatched to provide bread and forage ſufficient for the troops in all places where it was deſigned the armies ſhould paſs. I went with the marquis das Minas to the frontiers towards the latter end of March, and we took the field the beginning of April. We ruined part of the country bordering upon the frontiers of Valencia before the enemy could join their troops, particularly Yecla, where they had their largeſt magazines; and, judging it neceſſary to take in the caſtle of Villena, to prevent the army from being maſters of one of the moſt conſiderable inlets into the kingdom of Valencia, ſat down before that place. But it proved ſtronger than was expected; and, after we had ſpent ſome days there, we had notice the enemy had aſſembled their troops at Almanza. Upon this advice a council of war was held, where it was unanimouſly reſolved to fight the enemy; which we were the rather induced to, becauſe it was judged impoſſible to ſubſiſt upon the defenſive in the kingdom of Valencia; for the country had already been ſo much exhauſted by our winter-quarters, that there was not two days proviſion to be found for the army; and we could not have been able to have ſubſiſted there ſo long as we did, but for the ſupply we found in the enemy's magazines in Yecla. Nor did we think it proper to purſue the firſt intended march through that

was appointed governor, Sir Charles chuſing to follow the army. It was the 30th of March before we all could join the 1707.

' that kingdom and Arragon, ' leſt proviſions ſhould be want- ' ing, in leaving the enemy ſo ' near; and in a condition to ' follow us; for, though com- ' miſſaries had been employed, ' there was reaſon to apprehend ' the towns, we were to paſs ' through, would ſhut the gates ' againſt us, whilſt we were ' cloſely followed by the ene- ' my, and perſecuted by the ' peaſants of the country, who, ' grown deſperate by ſeeing ' themſelves abandoned, would ' naturally be up in arms in the ' mountains. Beſides, we had ' certain advice, that there was ' already in body of French ' troops, conſiſting of eight ' thouſand men in Spain, and ' upon their march to reinforce ' the enemy. Thus, as the ar- ' my muſt inevitably have pe- ' riſhed without fighting, it was ' thought reaſonable to run the ' hazard of a battle, wherein ' we had an equal chance to ' come off victors; which was ac- ' cordingly done two days after, ' on the 25th of April, 1707, ' N. S. but with ill ſucceſs.'

The earl of Peterborough, in anſwer to the fourth queſtion of the committee of the houſe of lords, ſaid, ' That ſeveral coun- ' cils of war were held in the ' month of January, 1706-7, ' at Valencia, about the time ' that intelligence was brought, ' that the forces, under the earl ' Rivers, were entered into the ' Mediterranean, in order to ad- ' juſt the meaſures for the en- ' ſuing campaign. That the ' matters therein debated were ' principally, whether the army ' ſhould march towards Madrid, ' and ſeek the enemy. That, ' in the debates upon this ſub- ' ject, the earl of Galway, Mr. ' Stanhope, and the lord Ty- ' rawley, ſupported thoſe meaſ- ' ures with the Portugueſe ge- ' neral; and that the king, the ' count de Noyelles, the Spaniſh ' generals and miniſters, with ' himſelf, argued ſtrongly a- ' gainſt thoſe meaſures, as ' highly dangerous and impra- ' ticable; and this in repeated ' councils of war, till, at laſt, ' the earl of Peterborough, ſo- ' licited by the king of Spain to ' renew the debate, deſired the ' king, that he would order all ' called to the council to bring ' their opinions in writing, that ' every body's opinion and rea- ' ſons for that opinion, might ' appear, and be known to the ' world; which, according to ' the king's commands, were ' put in writing, and delivered ' at the council.'

The earl of Galway, in his reply, or obſervations upon the earl of Peterborough's anſwers to the five queſtions, ſays thus: ' In reply to this aſſertion, I ' would beg leave to appeal to ' to your lordſhips memory, ' whether, upon the firſt men- ' tion of theſe reſolutions in this ' moſt honourable houſe, the ' earl did not as poſitively af- ' firm, That the concluſive ' council for the operation of ' the enſuing campaign was ' held on the 15th of January? ' And whether he did not offer ' to depoſe on oath, that in that ' very

1707. the great camp, having met croſs the country with many difficult paſſes, and an incredible ſcarcity of proviſions both for

' very council no perſon what-
' ever was of opinion for mak-
' ing an offenſive war, and a-
' gainſt dividing the troops, but
' the lord Tyrawley, Mr. Stan-
' hope, and I? Soon after in-
' deed, upon farther recollec-
' tion, he was pleaſed to add
' the marquis das Minas to our
' number; and I obſerve he has
' ſince given himſelf a much
' larger latitude, both as to the
' time of holding that council,
' and as to the perſons who
' voted for an offenſive war?
' His lordſhip is now ſo far from
' confining himſelf to a day,
' that he has taken in a whole
' month; and, by accuſing us
' more modeſtly for having op-
' poſed only the king, count
' Noyelles, himſelf, and the
' Spaniſh generals and mini-
' ſters, leaves half the council
' on our ſide; for, ſuppoſing
' all the Spaniſh generals and
' miniſters to have aſſiſted at
' that council, there could only
' have been twelve perſons
' there, viz. prince Lichten-
' ſtein, count Oropeza, count
' Corſana, count Cardona,
' count Noyelles, my lord Pe-
' terborough, the marquis das
' Minas, count d' Aſſumar, my
' lord Tyrawley, Mr. Stanhope,
' monſieur Freiſheim, and I.
' The laſt ſix his lordſhip has
' plainly left on our ſide; but
' my lord Tyrawley poſitively
' affirms count Oropeza was of
' the ſame opinion, and believes
' count Corſana was ſo too.
' Thus, taking the matter as
' the earl of Peterborough is
' pleaſed to ſtate it, we had an
' equality, and, as my lord Ty-
' rawley remembers, the great-
' er number of our party. Per-
' haps, when my lord Peterbo-
' rough contended ſo poſitively
' to prove that council, of the
' 15th of January, concluſive,
' he was led into that error by
' the miſtake in my lord Sun-
' derland's letter, in anſwer to
' one of Mr. Stanhope's of
' January 15. But he has ſince
' been pleaſed to allow, that the
' council of the 15th was not
' concluſive, and that many
' more ſubſequent councils were
' held, which determined the
' operations of the enſuing
' campaign, wherein he voted
' himſelf for marching to Ma-
' drid by the way of Arragon,
' which, I ſhould have imagin-
' ed, had left no further room
' to mention our opinions of the
' 15th. But, becauſe he is ſtill
' reſolved to make good his
' charge againſt lord Tyrawley,
' Mr. Stanhope, and me, he
' affirms to your lordſhips, that
' the occaſion of that change in
' the ſubſequent councils was,
' becauſe the opinion of the ma-
' jority had been over-ruled by
' a miniſter of her majeſty, aſ-
' ſuring, that the queen had
' given him orders to declare in
' her name, that her poſitive
' orders were, that they ſhould
' ſeek the enemy, march to
' Madrid, and not divide the
' troops, upon any account
' whatſoever.

' I muſt confeſs I do not con-
' ceive, that it imports me much
' to reply to this part of the
' earl's anſwer; nor ſhall I at-

' tempt

for men and horſes; and above all, very cold and wet weather, eſpecially for thoſe that were reduced to lie in the field. 1707.

'tempt to make an imperfect 'defence for an abſent man; 'for, if Mr. Stanhope was 'here, I doubt not he would 'be able ſufficiently to juſtify 'his own conduct in this affair. 'Yet I cannot help ſaying, 'that even malice itſelf has ne'ver yet ſuggeſted, that my lord 'Tyrawley, Mr. Stanhope, and 'I, did not act on that occaſion 'with great integrity, accord'ing to the beſt of our under'ſtandings; nor ſhall I ever be 'aſhamed to own an opinion, 'which was then not only the 'common ſenſe of the army, 'but agreeable to the deſires 'and intereſt of the whole king'dom of England.

'In the earl of Peterborough's 'farther anſwer to this queſtion, 'he is pleaſed to ſay, that, not'withſtanding this, the earl of 'Galway brought the army 'into the plains of Valencia, a 'directly contrary route to that 'of Arragon, and into all thoſe 'dangers, which he was to a'void by marching by the head 'of the Tagus. In reply to 'this anſwer, I ſhall only ob'ſerve, that I had not the 'command of that army (which 'conſiſted of three ſeparate 'bodies, Engliſh, Portugueſe, 'and Dutch) but the marquis 'das Minas, from whom I al'ways received orders; and 'the battle of Almanza was 'fought by the unanimous ap'probation of a council of war. 'Nor could the reſolutions of 'that council have ever been 'executed, had there been the 'leaſt difference in opinion, be'cauſe each commander of a 'ſeparate corps might have re'fuſed to march.

'For the occaſion of our 'moving towards Almanza, I 'muſt beg leave to refer to my 'Narrative, where I have men'tioned more at large, that, in 'order to execute the reſolu'tions of thoſe councils of war, 'where it was agreed we ſhould 'march to Madrid by the way 'of Arragon, but firſt to de'ſtroy the enemy's magazines 'on the frontiers of Valencia, 'I went with the marquis das 'Minas in the beginning of 'April to Yecla, where the ene'my's chief magazines lay, and 'from thence to Villena, where 'we had advice of their troops 'being aſſembled at Almanza: 'upon which that council was 'held, wherein the battle was 'unanimouſly reſolved on.

'The earl of Peterborough is 'pleaſed to add a reaſon for 'his opinion, That the duke of 'Savoy and prince Eugene had 'declared their ſentiments for 'a defenſive war at that time 'in Spain, and had communi'cated their thoughts to Charles 'III. upon that ſubject, to the 'certain knowledge of the earl 'of Peterborough, as he can 'make appear by authentic 'papers from the king of 'Spain. I ſhall not take upon 'me to deny a matter of fact, 'which his lordſhip ſo poſitively 'affirms; but I have been cre'dibly informed, that the duke 'of Marlborough and my lord 'Godolphin

1707. field. The whole army under the lord Galway (1) and the marquis das Minas (conſiſting of about four thouſand five hundred

'Godolphin did, both of them, aſſure this moſt honourable houſe, that the true project againſt Toulon was not concerted by the earl of Peterborough, prince Eugene, and the duke of Savoy, but firſt ſet on foot by the duke of Marlborough, with count Maffei in Flanders, and finiſhed in England with the counts Maffei and Briancon; but did not require, that any troops ſhould be ſent from Spain, nor was ever communicated to the earl of Peterborough: Which indeed his lordſhip ſeems to be aware of, when he ſays not long after, That the project againſt Toulon, as ſettled by him, had been ſo altered, that the duke of Savoy publicly declared his diſlike of engaging in it. And yet it is moſt certain, that his royal highneſs did engage in an attempt againſt Toulon, purſuant to the project concerted in England. And, though that attempt did not prove intirely ſucceſsful, it had a very good effect; for thereby a great body of the enemy's troops were diverted from acting elſewhere, and a conſiderable damage was done to the fleet and magazines of France.'

The author of the impartial inquiry into the management of the war in Spain, having quoted the above-cited paſſage, from the earl of Galway's Narrative, obſerves, p. 238, 'That hence we are informed of the true reaſons, why all the generals of the allies unanimouſly reſolved to fight the battle of Almanza, for which my lord Galway and the late miniſtry have been ſo ſeverely cenſured, though his lordſhip was not commander in chief there, nor did the miniſtry ſend him orders to fight, as has been very ridiculouſly ſuggeſted: for neither could they have been capable of giving, or his lordſhip of obeying any ſuch directions at that diſtance, unleſs he had thought them apparently neceſſary, and for the benefit of the common cauſe. Tho' the ſucceſs of this action proved different from what might have been wiſhed, it is certain the ill fate of that day cannot, with the leaſt colour of juſtice, be imputed to the earl of Galway, ſince it is notoriouſly known, both his lordſhip and the troops immediately under his command, as well as the Dutch that were preſent, did their duty to admiration; but wanting near five thouſand of the king of Spain's forces, with part of the Dutch, that had been detached, contrary to my lord Galway's opinion, to Arragon, and being oppreſſed by unequal numbers, part of our army were forced to give way, and the reſt to ſurrender priſoners of war upon honourable terms. Yet as many regiments as we loſt at Almanza, and as much noiſe as this misfortune has made in the world, it is certain it only reduced us to a neceſſity of acting upon the defenſive.'

(1) Engliſh regiments preſent at the battle of Almanza

Horſe.

hundred horſe, and eleven thouſand foot) being joined, 1707.
moved the next day to a camp at Caudeta; and the day after marched

	Number.
Horſe.	
Harvey	227
Dragoons.	
Killigrew	51
Pearce	273
Peterborough	303
Guiſcard	228
Carpenter, Eſſex, by detachments	292
	1147
Foot.	
A battalion of guards	400
Lord Portmore	462
Southwell	505
Stewart	467
Hill	472
Blood	461
Lord Mordaunt	532
Wade	458
George	616
Lord Montjoy	588
Maccartney	494
Breton	428
Alnott	412
John Caulfield	470
Lord Mark Kerr	429
Count Naſſau	822
	7536
	8910

Regiments in quarters, garriſons, and priſoners.

In quarters and garriſons.	
Dragoons.	
Royal at Culera	302
Foot.	
Royal fuzileers, and two battalions of foot at Gironne.	1200
Hotham, Syburgh, and Bloſſet, and a battalion of marines at Alicant.	1200
Elliot and Watkins at Gibraltar	800
A detachment from the army in Denia	200
	3702

Priſoners.

Dragoons.	
Part of Cunningham's, afterwards Killigrew's, regiment taken at Elche	150
A detachment from the garriſon of Alicant at Elche	300
Ld. Dungannon's regiment on their march from Alicant	400
Several other priſoners taken at different times and places, above	1000
	1850
To which is to be added the commiſſion, non-commiſſion officers, and the officers and ſervants of the ſix regiments of Farrington, Mohun, Hamilton, Allen, Brudenell, and Toby Caulfield, which were reduced a little time before the battle of Almanza.	1189
	15541

1707. marched upon two columns, and the baggage upon a third, expecting to engage the enemy in the plain of Yecla; but they were diſappointed, for the duke of Berwick had, upon the approach of the confederate army, left that town with great precipitation, though he had made there large magazines of wheat and barley, beſides a great quantity of wine, and all other ſorts of proviſions, as cattle, fiſh, &c. all which fell very ſeaſonably into our hands.

The generals concluding, from the duke's precipitate retreat from this place, that his army was weak, and that the French ſuccours (conſiſting of eight thouſand men, and which were daily expected) had not joined him, reſolved to go and ſurpriſe him in his camp at Montalegre, a few miles from Yecla, where they had certain intelligence, that part of his army was incamped. Purſuant to this reſolution, April 3, at nine in the evening, our army marched, without noiſe, leaving only two battalions to ſecure the camp at Yecla. During two days, the whole army had leave to take what proviſions they wanted both for horſes and men, out of the plentiful magazines in this place, and the reſt was ordered to be burnt. On the 7th, the army marched to Villena, a little caſtle on a high rock, defended by five hundred men, under a reſolute governor. It lies in the road between Valencia and Caſtile, and would have greatly annoyed our convoys. As ſoon as the army was come before the caſtle, the governor was ſummoned to ſurrender; but he returned a proud anſwer, on which ſome field-pieces were ordered to fire againſt it, but, as they did very little execution, the engineers were commanded to work with the miners. The governor being told, from under the wall, what was doing, gave as bold an anſwer as he had done to the ſummons. There were then no thoughts of coming ſoon to a battle, for the lord Galway gave leave, on the 9th, to the queen's royal regiment of dragoons, to go as far as Denia for their cloathing, and to refreſh their horſes; and ordered brigadier Carpenter, with all the new-landed dragoons, Engliſh and Dutch, to go into quarters of refreſhment above ten miles off, to try to recover their horſes, which were almoſt dead by the fatigues of the ſea, their long marches from Alicant, and the ſcarcity and difference of forage, having, inſtead of hay and oats, only ſtraw and barley (the feed of the country) which was not thought good for the large Engliſh and Dutch horſes. But the brigadier received orders to return the very day he marched from the camp, upon an intelligence received by the lord Galway,

Galway, that the enemy had aſſembled all their forces, received the ſuccours expected from France, and were marching, as they gave out, to attack us. This intelligence was brought to lord Galway (who was ſo able an examiner of all French deſerters, that he could not eaſily be impoſed on) by two young French gentlemen of a good proteſtant family, who had been educated in the principles of the reformed religion by the care of their parents, a practice very common in France after the perſecution. They told him, they had entered as volunteers into the French ſervice, in a regiment that was coming to Spain, in hopes of meeting with an opportunity to come over to the Engliſh. Lord Galway, after a very long converſation, was ſo well ſatisfied with the truth of what they ſaid, that he gave full credit to their intelligence, and took his meaſures accordingly (a). He ordered that night a new camp to be marked out in a plain, not far from Villena, deſigning to meet the enemy there, if they came to attack us. But, as they did not, it was reſolved to go in ſearch of them. The whole army marched in three columns, the 13th of April, from Villena, to Torre de Bougarres near Caudeta, with an eager expectation to meet the enemy, but none appeared. News being brought, that the enemy were near the town of Almanza, a great council of war was held, in which it was unanimouſly agreed to go the next day, and give them battle. Accordingly, about three in the morning, we began to march in four columns, till we had paſſed the hilly country, which was computed at ſix long miles, and then, coming into better ground, the army formed, and marched the other three miles in order of battle. About twelve we ſaw, from ſome riſing grounds, the town of Almanza, and ſoon after the enemy drawn up, and ready to receive us. They began to fire very briſkly with two or three batteries, and we returned their fire with one. Lord Galway, having ſeen the diſpoſition of the right and of the center, came to the left, which he commanded, as general Erle did the center, and the marquis das Minas the right. He ordered the enemy's advanced guard to be attacked by a party of a hundred dragoons, who put them to flight. Being purſued beyond their ſecond line, they left the army, and took to the high-road with ſuch haſte upon a full gallop, that they were ſoon got ſome miles from the field of battle; and meeting with the duke of Orleans, who was coming to take the command upon 1707.

(a) Both theſe young gentlemen were afterwards provided with enſigns commiſſions in our army MS.

1707. upon him, told him, their army was beat, and all was loſt. This put the duke upon going back till night, when he received other news. Lord Galway viewed the right of the enemy, whoſe line was extended far beyond ours, having many more ſquadrons than we had in our left, and ſent for count Attalaia, who commanded in the ſecond line, to bring up all the horſe (which were eleven ſquadrons of Portugueſe) and draw them up ſo on our left, as far as the center, that they might prevent the enemy's flanking us. Then he commanded Carpenter's and Eſſex's ſquadrons to go and attack the battery over-againſt our left, which did very much gall our horſe. This was inſtantly executed very gallantly, but with ill ſucceſs. Here the battle began about two. The battery was placed upon a ſteep riſing ground, which covered every thing behind it; ſo that when the two ſquadrons came up with it, the guns were in a moment drawn away by the mules that continued faſtened to them, and eight or ten ſquadrons of their beſt horſe fell upon our two with incredible fury, and cut them all to pieces. Then they and the reſt of their horſe attacked our Engliſh and Dutch ſquadrons, who maintained a very obſtinate and bloody fight near two hours, but were at laſt overpowered by their far ſuperior number, and ſo cut off, that not above four or five officers, and ten or twelve private men, were left in each ſquadron. The ſquadron of Guiſcard's dragoons ſtood their ground the longeſt of any, and no wonder, for they had thirty-four officers in their front rank, moſt of them veterans, who had ſerved in all king William's wars. They had charged three times, but, when they ſaw their friends were gone, the ſtandard was ordered to be ſecured; after which they attacked three ſquadrons that faced them, having the lords Galway and Tyrawley, and brigadier Carpenter, at their head, of whom the commander begged, as they came ſeparately to him, that they would be pleaſed to take the command of the ſquadron, which they all declined. So the brave old colonel la Fabreque (whoſe name ought to be mentioned with honour for his courage and conduct), having theſe three great volunteers with him, fell upon the three ſquadrons with ſo much intrepidity, that he routed them, and retired in good order from the field of battle with the three generals. Lord Galway received, in this laſt bold attack, a cut over his eye (having before loſt his right hand, with which he might have parried the blow) and with ſuch a long ſword wounded his aid-de-camp in the forehead at the ſame time.

The center, that is, the Engliſh and Dutch, were engaged all this while, and drove the enemy with great ſucceſs before them. They had puſhed the firſt line upon the ſecond, ſo that, though our left was routed, we ſtill had ſome hopes, in caſe the Portugueſe horſe in the right behaved well, to get the day. But our hopes were ſoon defeated; for, as ſoon as the enemy marched up to them, and ſome battalions gave them a fire, they all galloped away, and the foot ran into ſome neighbouring woods upon our right, in which flight many of them fell, tho' none were killed in charging. The duke of Berwick, having nothing to fear from our right and left, ordered all his horſe to come and ſuſtain his foot, who had been very ſeverely beaten by ours, during three or four hours. The generals, to prevent their being ſurrounded, ordered all the battalions to form themſelves into a hollow ſquare, which ſo well anſwered the deſign, that the enemy could gain no advantage of them, and by that means they retired from the field of battle with little or no loſs, though ſtill purſued till night parted them. And, if they could have continued their retreat a few miles farther, the enemy would have had no great reaſon to boaſt of a victory, nor would the battle of Almanza have been ſo much talked of, to ſay no worſe, as it has been in this nation. But the loſs of twenty-three battalions Engliſh and Dutch, was too great to be eaſily repaired at ſo great a diſtance. How theſe brave men, after having fought ſo gallantly for ſo many hours, and made ſo glorious a retreat, could at laſt come to the reſolution of ſurrendering to an enemy that was ſome miles from them, and reckoned them quite out of his reach, is not ſo eaſy to be accounted for, unleſs their excuſe be admitted, which was, that the ſoldiers, after marching nine hours without any refreſhment, and fighting about ſix, could march no farther: they had ſpent all their ammunition, and had not ſo much as bread and water to refreſh themſelves with: they were all ſtrangers to the country, and did not know of any place to retire to: beſides all this, they thought themſelves in danger of being purſued and attacked the next morning by the enemy's whole army, againſt which they could not pretend to defend themſelves, being abandoned by all the horſe. Upon theſe conſiderations, after a long conſultation, in which were very warm debates, they came to the reſolution of ſurrendering themſelves, as the French infantry had done at Blenheim, and of ſending to the duke of Berwick to deſire honourable terms, which were gladly

1707.

1707. and readily granted; namely, that they ſhould be priſoners of war, till they could be exchanged: that they ſhould be all diſarmed but the officers, who ſhould keep their ſwords: and that they ſhould have liberty to ſend for their baggage, before they marched any farther.

The duke of Berwick is ſaid to have been aſtoniſhed, and could hardly believe the officer who brought him this welcome meſſage, which did complete his victory. For till then it might have been called a drawn-battle, the number of the ſlain being reckoned very equal, our baggage ſafe, and only a Portugueſe train of twenty field-pieces loſt. But twenty-three battalions, carried priſoners into France, were marks of a triumph to all the places through which they paſſed. To their long and obſtinate reſiſtance, the ſafety of our baggage was certainly owing; for, had the enemy detached a thouſand men to ſecure the very difficult paſs of Pont de la Guiera, through which all the Portugueſe horſe made their eſcape, and the baggage after them, they muſt have all fallen into their hands. Two officers of dragoons, that were taken priſoners by the fall of their horſes, aſſured the author of this account, that, when they were carried towards the town of Almanza, they found it in our hands, and above a thouſand priſoners in it, the enemy's foot being puſhed far beyond it by ours. Almanza was in the center of the field of battle, and the enemy's ſecond line was on both ſides of the town (a).

The

(a) Biſhop Burnet, p. 475, ſays, That the confederates had about ten thouſand killed or taken priſoners. Among the wounded and ſlain, theſe were the moſt remarkable: The lord Galway was wounded in the face: brigadier Killigrew, being wounded in the firſt aſſault, ſtill kept the field, and was killed in a ſecond charge: lieutenant colonel Roper (of major-general Harvey's horſe) lieutenant-colonel Lawrence (of brigadier Carpenter's regiment) lieutenant-colonel Dormer (of the lord Eſſex's) lieutenant-colonel Deloches (of colonel Pierce's) and lieutenant-colonel Green (of the lord Peterborough's) were killed at the head of their reſpective ſquadrons, having behaved themſelves with extraordinary reſolution and undauntedneſs: and colonel Pierce, and Mr. O Hara, ſon of the lord Tyrawley, were wounded. Of the foot, lieutenant Auſtin of the guards, lieutenant-colonel Mac-Neale, (of Southwell's) lieutenant-colonel Woollet, and lieutenant-colonel Withers (of Blood's) lieutenant colonel Ramſey (of Macartney's) lieutenant-colonel Erſkin (of lord Mark Kerr's) were among the ſlain; and lord Mark Kerr was wounded in the arm, and colonel Clayton in the body.

4 Father

The next day the Portugueſe horſe, and part of the Engliſh, got into Xativa, with the foot that guarded the baggage; and the day after to Alcira, a very ſtrong town on a river defended by almoſt inacceſſible mountains. Here our broken 1707.

*Father Daniel's account of the action is to this effect: The action began at three in the afternoon, and the victory ſtood long doubtful. The regiment of Mayne diſtinguiſhed itſelf upon this occaſion. Marſhal Berwick ſhewed a great preſence of mind, and a vaſt capacity in the art of war, by providing remedies wherever they were wanting, and guarding againſt all inconveniences. The enemy was purſued about two leagues. Thirteen battalions were made priſoners in the purſuit, beſides five others, which were taken in the field of battle. Six marſhals de camp, ten brigadiers, twenty colonels, and eight hundred other officers, were taken with all their artillery, and ſix-ſcore colours and ſtandards. Near five thouſand men were killed on the ſpot, beſides the wounded, which were very numerous, and, among the reſt, the lord Galway, and the marquis das Minas, general of the Portugueſe. The conquerors loſt two thouſand men, and, among others, the marquis de Sillery and monſieur de Polaſtron, brigadiers; and, among the wounded were the duke of Salerno, general of the Spaniſh guards, who received eleven wounds with a broad ſword, the marquiſes de St. Clair and de Silly, marſhals de camp: the duke of Orleans, who was lately arrived from France, and was to have commanded the armies of the two crowns, though he made all poſſible haſte, after he had heard, that the two armies were not far diſtant from each other, could not come up till the action was over. The marquis de Feuquieres in his memoirs obſerves, that this was an action of the firſt ſpecies, ſince the two armies charged through the whole extent of their front; and that the confederates were maſters of the two intire kingdoms of Valencia and Arragon, and of all Catalonia, and were preparing to enter New-Caſtile.

'A few days before the battle 'continues the marquis) they 'had received a powerful reinforcement from England and 'Holland, and were determined to improve the time of 'the firſt campaign. With this 'intent they paſſed the Xucar, 'and advanced near Almanza. 'The duke of Berwick march'ed up to them without the 'leaſt heſitation, and the armies engaged. The Portugueſe infantry being intirely 'broke in the firſt charge, and 'our cavalry having thrown 'that of the enemy into diſorder, we remained abſolute 'maſters of the field of battle. 'The duke of Berwick likewiſe 'purſued with his cavalry thirteen of the enemy's battalions, who were retreating in 'good order through the mountains, with an intention to 'repaſs the Xucar, and retire 'to Valencia; but, as the body 'of infantry was extremely 'fatigued

1707. broken army aſſembled, and lord Galway joined it from Ontinaute; with the dragoons that had ſecured his perſon and retreat (a).

' fatigued and deſtitute of bread, ' they were obliged to halt be- ' fore they could arrive at the ' Xucar. This diſcontinuance ' of their march gave our in- ' fantry time to approach them; ' and they were all made priſo- ' ners of war. The recovery ' of the kingdoms of Valencia ' and Arragon was owing to ' the ſucceſs of this battle.' Dr. Hare, in a letter to a tory-member, p. 13, fourth edition, tells us, 'That it was owing to ' the reinforcement ſent the ' duke of Anjou after the eva- ' cuation of Milan, that we ' owed the loſs of the battle of ' Almanza, which proved ſo ' fatal to our affairs on that ſide. ' If theſe troops had not joined, ' we had been ſuperior to the ' enemy; and that battle had ' either not been fought, or it ' had been won, and Spain with ' it, conſidering the ill condi- ' tion the duke of Anjou's af- ' fairs were then in; and the ' true reaſon we ventured that ' battle, was to prevent the ' junction which we did not ' know, or, at leaſt, did not ' believe, was made at the time ' we fought; a miſtake, we ' may think, very eaſily made ' in Spain, when it is known, ' we owe the victory of Ramil- ' lies to the French making the ' very ſame miſtake in Flan- ' ders, where they thought the ' Engliſh had not at that time ' joined the confederate army, ' and reckoned for certain, that ' the Danes at leaſt neither had ' nor could. And this perſua- ' ſion made them venture a ' battle, which the French had ' ſo much reaſon to remember, ' without waiting for a conſi- ' derable body of troops, that ' were coming to them from ' the Rhine, the head of which ' were actually at Namur, when ' monſieur Villeroy began his ' march towards the confede- ' rates. But to return, it is ' plain the French had not ' gained the battle of Almanza ' without that reinforcement ' from Italy, and even with it, ' though the battle was fought ' in April, and our army was ' in a manner ruined by that ' blow, all they did that year ' was only to take Lerida.'

(a) And here (ſays our author) I had the pleaſure of being eaſed of a very troubleſome burden; which had much endangered my life by the imprudence of the officers, who had given me their purſes at the head of the three ſquadrons; and very large they were, by the management of earl Rivers, who, unwilling to carry the treaſure back to England, had obliged the pay-maſters of the regiments to take four months ſubſiſtence in advance, which, it was ſaid, was no ſmall perquiſite to his lordſhip, upon the account of the high price gold was at in Spain. When I returned their purſes to the officers, it was computed I had no leſs than fifteen hundred pounds about me, beſides ſome gold watches: ſo that I ſhould have been a good booty for ſome deſperate deſerter, which the owners of the money were more afraid of than myſelf. Manuſcript account of the war in Spain, from 1706 to [illegible], a chaplain in the army.

From Alcira the worſt of the wounded, and the baggage of the officers killed in the battle, were ſent to the grove of Valencia, to be embarked for Barcelona. Here a trumpet arrived, with the ſhocking news of all our infantry having ſurrendered, and ſeveral letters from the officers, with the articles and the before-mentioned apology for their conduct, which was not much reliſhed; for a great difference was made between the French battalions at Blenheim, and ours in the neighbourhood of Almanza. The French were ſurrounded by a victorious army in a village, and could not pretend to fight their way through it: but ours were in the open field, without any enemy near them. However, their baggage and money were ſent to them. Many of our foot liſted among the enemy, deſigning to come back to us as ſoon as they found an opportunity, which indeed hundreds of them did in a very ſhort time, the Valencians, Arragoneſe, and Catalans, who were all very zealous in king Charles's intereſt, aſſiſting them in their eſcape and march to us. 1707.

The day after the battle, the duke of Orleans came to Almanza, and took upon him the command of the enemy's army, which, as will be related, was of ſome ſervice to us. What foot we had left, remained at Aſcira and Xativa, and we marched all our horſe through the city of Valencia, and ſome other towns, as far as Tortoſa. The enemy followed us, but very civilly, for they generally encamped in the evening on the ground we left in the morning, till we came to the Ebro, and marched over the bridge of Tortoſa, to a camp about two miles from the city, up the river. The army did not continue here long, for, on the 11th of May, the enemy appeared on the hills, and an advanced party came down into the plain, a mile from the town, where they ſtaid all that day in ſight of our horſe-guard. The next day their whole army came down, and, having puſhed in our horſe-guard, encamped in a long line over-againſt the town. Upon this we burnt the ſuburbs on that ſide the water, and manned a half-moon at the bridge-foot on the ſame ſide, whilſt our cannon from the caſtle made a continual fire on their camp. The night of the 13th, they brought down ſome gabions and lodged themſelves near our half-moon; but we made a ſally and deſtroyed that work, which they ſoon replaced, and continued firing on both ſides many days. There being no proſpect of any ſuccours to enable us to keep that advantageous poſt, the lord Galway, after putting a good garriſon into Tortoſa

and

1707. and Gironne, and leaving the reſt of the foot in Tarragona, marched up the river with the horſe, and the duke of Orleans, at the ſame time, ordered moſt of his cavalry to obſerve and follow us on the other ſide of the Ebro. We continued for three months in marches and counter-marches, obſerving one another's motions, our great care being to prevent the enemy paſſing the Cinea, which would have been of very bad conſequence to us; for the country about Tarragona muſt have fallen into their hands, unleſs we were in a condition to make a vigorous ſtand, which we were not. But the Duke of Orleans proved a very pacific general for ſome time, having private views, and a very extraordinary ſcheme for a peace (1). Mr. Stanhope, the queen's envoy extraordinary, came to our camp near the Cinea to viſit the general. During his ſtay the duke of Orleans ſent a letter to the lord Galway, to deſire he would ſend two truſty perſons, by whom he had ſome propoſals of the higheſt nature to make to him. Mr. Stanhope was not long in ſuſpenſe, but gladly accepted the offer lord Galway made him of being one of the two, and the general's aid de camp was appointed for the other (2). Theſe two gentlemen went to the place aſſigned for a conference, which laſted ſome hours, and was managed in ſuch manner, and with ſo much ſecrecy, that no one ſuſpected any thing in either army. Lord Galway was not a little ſurprized at the overtures that were made, and diſpatched his aid de camp to the duke of Orleans, with the ſame anſwer in ſubſtance, general Stanhope had given him. This advantage we reaped from the conference, that we lived ſome weeks like good neighbours, the enemy on the one ſide, and we on the other, of the river Cinea, and at a very ſmall diſtance from one another; but not without great fatigue on both ſides, for they made many motions to paſs the river, which alarmed our camp, and kept us always, chiefly in the night, upon our guard, ready to mount, and our baggage to be loaded.

Brigadier Carpenter took this opportunity to have his own ſquadron, Eſſex's and Guiſcard's, ſent to Manreſſa, to refreſh their horſes, now almoſt dead, and unfit for ſervice (1).

(1) Which ſcheme (ſays our author) I do not think prudent to divulge. His ſcheme, it is ſaid, was to be made king of Spain himſelf, for which he offered very advantageous terms to England. But this is only conjecture.

(2) A man (ſays our author) of tried capacity and integrity, who afterwards died deputy governor of Guernſey.

(1). From hence we ſoon marched to las Borgues, where we remained ſome time. About the beginning of Auguſt the enemy detached a good number of horſe and foot for France, and the duke of Berwick quickly followed them. On the 30th of that month, they marched from Belpuis towards Lerida (having plundered ſeveral villages without ſparing the churches) and, paſſing the Segre, they inveſted the town the next day on both ſides. General Wills commanded the garriſon, with the prince of Heſſe Darmſtat. The duke of Berwick returned to the army, but without any forces; and it was the 21ſt of September before they opened the trenches, and the 27th before they erected their batteries. Whilſt the ſiege was carried on, all the forces, that could be drawn from all parts of Catalonia, the lord Galway aſſembled at las Borgues, and encamped within a few miles of Lerida, with a reſolution to attempt the relief of that place. But, before this reſolution could be executed, news came that the garriſon had capitulated, who marched out of Lerida, on the 2d of November, with all the marks of honour cuſtomary after a brave defence (2). In a few days, the horſe went into winter-quarters, 1707.

(1) Manreſſa is a fine and rich town, in the mountain of Catalonia, famous for giving birth to Ignatius Loyala, founder of the order of the jeſuits. The whole town is entirely devoted to that ſaint, who had borne arms many years. The houſe where he was born is turned into a nunnery, where the inhabitants affirm, that on every Whitſunday, when the magiſtrates and all the religious orders in the town make a proceſſion to that cloyſter, the Holy Ghoſt appears, as a white dove, and perches a good while upon the croſs on the top of the chapel. This miracle, which is managed by the prieſts, is firmly believed by theſe poor mountaineers, who are pleaſed beyond meaſure, to have ſo remarkable a token of the divine favour to boaſt of above their countrymen. Manuſcript account, &c.

(2) Burnet's account of this affair is as follows: "The duke of Orleans, being reinforced with troops after the deſign upon Toulon had miſcarried, ſat down before Lerida, in the end of September, with an army of thirty-thouſand men: The place was commanded by a prince of Heſſe, who held out above forty days: After ſome time, he was forced to abandon the town, and to retire into the caſtle; the army ſuffered much in this long ſiege. When the beſieged ſaw how long they could hold out, they gave the earl of Galway notice, upon which he intended to have raiſed the ſiege; and, if the king of Spain would have conſented to his drawing out of the other garriſons, ſuch a force as might have been ſpared, he under-

1707. quarters, under the command of major-general Carpenter (who had lately received a commiſſion from king Charles, appointing them to that rank), and the foot under major general Wills marched to the city of Tarragona. The Portugueſe and Dutch marched likewiſe into their quarters, all in Catalonia, between Lerida and Barcelona. And thus ended this long and unfortunate campaign, which had been ſo unſucceſsful, that the principality of Catalonia was all that remained in king Charles's obedience. The lord Galway, general Erle, and the marquis da Minas, with three other Portugueſe generals, embarked at Barcelona for Liſbon, and Carpenter remained commander of the Engliſh.

The allies in Spain were in hopes the Portugueſe would have favoured them with a diverſion, but were diſappointed: for, on the contrary, the Spaniards, under the duke of Oſſuna, took Serpa and Moura, and at the ſame time, the marquis de Bay poſſeſſed himſelf of the bridge of Olivenza, threatning, with the aſſiſtance of the duke of Oſſuna, to lay ſiege to that place. The Portugueſe, being reinforced with four Engliſh regiments (1), began to move on their frontiers. Upon which the marquis thought fit to lay aſide

undertook to raiſe it, which was believed might have been eaſily done; and, if he had ſucceeded, it would have given a new turn to all the affairs of Spain. But count Noyelles, who was well practiſed in the arts of flattery, and knew how much king Charles was alienated from the earl of Galway, for the honeſt freedom he had uſed with him, in laying before him ſome errors in his conduct, ſet himſelf to oppoſe this, apprehending that ſucceſs in it would have raiſed the earl of Galway's reputation again, which had ſuffered a great diminution by the action of Almanza: He ſaid, this would expoſe the little army they had left them to too great a hazard, for, if the deſign miſcarried, it might occaſion a revolt of the whole principality. Thus the humours of princes are often more regarded than their intereſt; the deſign of relieving Lerida was laid aſide. The French army diminiſhed a fourth part, and the long ſiege had ſo fatigued them, that it was viſible the raiſing it would have been no difficult performance, but, the thoughts of that being over, Lerida capitulated in the beginning of November.

(1) Theſe four regiments, namely, Pearce, Newton, Sankes, and Stanwix, were embarked at Cork for Portugal, about the latter end of April, and arrived at Liſbon the 4th of June, conſiſting of two thouſand nine hundred men. Theſe were all the forces then in the queen's pay in that kingdom.

aſide his enterprize, and, demoliſhing part of the bridge of Olivenza, retired to Badajox. The Portugueſe excuſed themſelves for the little reſiſtance they made, by their feebleneſs, ſince their beſt troops were in Catalonia. 1707.

Mr. Stanhope, who, beſides his poſt of brigadier, had alſo the character of envoy extraordinary and plenipotentiary, took the opportunity of king Charles's broken affairs, to conclude with him a treaty of commerce, which would have been of great advantage to the Engliſh nation, had that prince remained quiet poſſeſſor of the Spaniſh throne. In order to effect this, Mr. Stanhope ingratiated himſelf with the counteſs of Oropeza, a lady of great wit, whoſe huſband was one of the chief grandees of Spain, but who, having abandoned all his great employments and vaſt eſtate, to follow king Charles's fortune, was reduced to extreme indigence; and therefore was the more liable to be managed by a lady, for whom Mr. Stanhope had obtained a conſiderable preſent from the queen. This nobleman, who had the greateſt weight in king Charles's Spaniſh council, being gained, and appointed one of his catholic majeſty's plenipotentiaries, together with the prince of Litchtenſtein and count de Cardona, admiral of Arragon, a treaty was concluded and ſigned by them and Mr. Stanhope at Barcelona, on the 10th of July (1). Treaty of commerce with king Charles. Lamberti.

After

(1) The ſubſtance of which was, 'That there ſhould be 'an univerſal and ſincere peace 'between the queen of Great-'Britain and the king of Spain, 'their heirs, ſucceſſors, and the 'ſubjects of both nations. 2. 'That all the treaties of peace, 'friendſhip, confederacy, free 'commerce and navigation be-'tween both crowns, ſhould 'be held to be as firmly renew-'ed and eſtabliſhed, by virtue 'of this preſent treaty, as if 'they were inſerted therein ver-'batim, provided they were 'not contradictory to one an-'other, nor any way leſſen the 'force of theſe preſent articles: 'And that the royal cedulas 'or patents, which contain di-'vers privileges granted by 'Philip the fourth, confirmed 'by the treaty of May $\frac{1}{2}\frac{3}{3}$ 1667, 'and all other grants formerly 'made by any king of Spain, 'ſhould have the ſame force 'and effect with this preſent 'treaty. 3. That all the ſub-'jects on both ſides, who had 'been made priſoners by ei-'ther, whether in America, 'or any where elſe, ſhould 'be reſtored, and ſet at liber-'ty, as ſpeedily as poſſible, 'without charge or ranſom. 4. That all merchandize and 'goods, which the ſubjects 'of Great-Britain might bring 'and import into the do-'minions

1707. After the ſigning of this treaty, king Charles was made ſenſible, that the conceſſions granted therein to the Engliſh nation

'minions of Spain, for which 'any cuſtoms under the name 'of conſumption, or other tolls 'uſed to be demanded, ſhould 'not be obliged to pay the ſaid 'tolls till ſix months after the 'unlading, or ſale and delivery 'of the ſaid goods. 5. That 'the ſubjects of Great-Britain 'might bring and import into 'the dominions of Spain all 'ſorts of goods, wares, manu'factures, and fruits, the pro'duce of the dominions of Mo'rocco; nor ſhould any greater 'toll be demanded for the ſame 'than uſual. 6. That books 'of rate, commonly called Fue'ros, containing an exact ac'count of the cuſtoms agreed 'on by the commiſſioners from 'the queen of Great-Britain 'and the king of Spain, ſhould 'be adjudged and eſtabliſhed 'within twelve months after 'the ſigning of this treaty, and 'be publiſhed through all the 'Spaniſh dominions. Nor 'ſhould the Britiſh ſubjects be 'obliged to pay any greater 'duties than what is therein 'ſet down; and for all other 'goods not mentioned in theſe 'tables, the rate of ſeven per 'cent. ſhould be demanded up'on the credit of the inſtru'ment, declaring the charge 'and prices of the merchan'dize and goods, which ſhould 'be exhibited by the merchant 'or factor, confirmed by wit'neſſes on oath. 7. That all 'goods taken as prize by ſhips 'of war, ſet out either by the 'queen or private ſubjects of 'Great-Britain, ſhould, with'out any difference, be eſteem'ed as merchandize and goods 'of the produce of the Bri'tiſh iſlands. 8. That the 'queen of Great-Britain and 'the king of Spain ſhould con'firm and ratify theſe articles 'within ten weeks.' To this treaty was annexed a ſecret and moſt important article, import'ing, 'That the queen of Great'Britain and the king of Spain 'being deſirous to knit the ties 'of the friendſhip and alliance 'now concluded in ſuch a man'ner, as that the mutual ad'vantages of it might redound 'ſo viſibly to the benefit of the 'ſubjects of both crowns, that 'their common intereſts might 'cement an eternal and indiſ'ſoluble union between them; 'and conſidering, that the moſt 'effectual and proper means to 'this end would be to form a 'company of commerce to the 'Indies, whereby theſe vaſt 'and rich provinces of the do'minions of his catholic ma'jeſty would inable the mo'narchies of Great-Britain and 'Spain to make ſuch diſpoſi'tions of force, as ſhould, by 'curbing their enemies, ſecure 'to their ſubjects an univerſal 'and laſting tranquillity: It 'was therefore agreed, that 'ſuch a company of commerce 'ſhould be formed, conſiſting 'of the ſubjects of Great-Bri'tain and Spain, in the domi'nions of the crown of Spain, 'in the Indies. But, becauſe 'it was not poſſible, at preſent, 'to enter into the particulars 'of ſuch a ſettlement, becauſe

tion were too large, and ſuch, as would not eaſily paſs with his own ſubjects, in caſe he ſhould ever be poſſeſſed of 1707.

the

'the duke of Anjou was, at 'this time, poſſeſſed of thoſe 'provinces of Spain, which 'are the principal ſeats of trade, 'it was reſerved to ſettle the 'form of the ſaid company of 'commerce to the Indies, till 'his catholic majeſty ſhould 'be poſſeſſed of the court of 'Madrid. But, in caſe un-'foreſeen accidents ſhould hin-'der the ſettlement of ſuch a 'company, his catholic ma-'jeſty obliged himſelf, and pro-'miſed for himſelf, and all the 'kings, his ſucceſſors, that he 'would grant to the ſubjects of 'Great-Britain the ſame pri-'vileges, and the ſame liberty 'of a free trade to the Indies, 'which his majeſty's own Spa-'niſh ſubjects ſhould enjoy; a 'previous ſecurity being given 'for the payment of the royal 'duties. That his catholic 'majeſty likewiſe obliged him-'ſelf, that from the day, that 'the general peace ſhould be 'ſettled, and conſequently, that 'he ſhould be in poſſeſſion of 'the Spaniſh Indies, to the day 'that the ſaid company of 'commerce ſhould be ſettled, 'he would give licence and 'permiſſion, that the ſubjects 'of Great-Britain might ſend 'every year to all the ports and 'other places of the Indies, 'under the dominion of the 'crown of Spain, ten ſhips, 'of five hundred tons each, 'or more, or fewer ſhips, pro-'vided their whole burden did 'not exceed in all five thou-'ſand tons; in which they 'ſhould be at liberty to tranſ-'port, ſell, and traffic for all 'the merchandizes and com-'modities, which the Spaniſh 'ſubjects were permitted to 'tranſport and traffic for; pro-'vided, that they pay all the 'royal duties, and that the ſaid 'ten ſhips ſhould be regiſtered 'in the port of Cadiz, or in 'ſuch other port of Spain, as 'his catholic majeſty ſhould 'appoint, ſetting out from ſuch 'port to ſail to the Indies, and 'giving an obligation, that 'from the Indies they ſhould 'return to the ſame port in 'Spain, without touching be-'fore at any other port of 'Spain, Great-Britain, or 'France, except in caſe of be-'ing forced to do ſo by ſtorm. 'That his catholic majeſty 'would likewiſe permit, that 'the ſaid ten ſhips of trade be 'accompanied by ſuch a num-'ber of Britiſh ſhips of war, as 'ſhould be neceſſary for their 'greater protection and ſecu-'rity, provided, that, on board 'the ſaid ſhips of war, there 'might not be loaded any kind 'of merchandize: His catho-'lic majeſty declaring like-'wiſe, that he would not cauſe 'to be paid, or demand any 'indulto's, or any other kind 'of donative, on account of 'the trade of the ſaid ſhips, 'contenting himſelf barely 'with the punctual ſatisfaction 'of the royal duties. And 'the queen of Great-Britain 'offered and promiſed on her 'part, that the ſaid ſhips of war 'ſhould, both in going to, and 'in returning from the Indies, 'take

1707. the Spaniſh throne; and therefore it was not without reluctance, and merely in compliance with the neceſſity of his affairs, that he confirmed and ratified the articles of it on the 9th of January 1707-8, ſix months after they had been concluded and ſigned. The perſon, who was intruſted to carry this important treaty to London, having embarked for Barcelona on board a ſmall veſſel for Genoa, that veſſel was unluckily taken by a French frigate. The expreſs, as is uſual in ſuch caſes, threw his mail over-board; but it being taken up by ſome divers, was tranſmitted to the marquis de Torcy at Verſailles, who took care to ſend privately a copy of the treaty to the States General, in order to excite their jealouſy of the Engliſh, who were endeavouring by it to engroſs the trade of the Weſt-Indies (1).

The

'take under their convoy ſuch 'ſhips belonging to his ca'tholic majeſty, returning the 'ſame to the perſons, to whom 'they ſhould be conſigned. 'That it being evident to all 'men, that the forces, with 'which the crown of France 'had diſturbed Europe, had 'been furniſhed and ſupplied 'by the great treaſures it had 'drawn from the Spaniſh do'minions in the Indies, by 'the fraudulent introduction 'of their commodities, and 'their trade in thoſe countries; 'it was therefore agreed, that 'from this time forward, for 'ever, all Frenchmen, being 'ſubjects of France, ſhould be 'intirely excluded, as well out 'of the ſaid company of com'merce, as out of all other kind 'of trade, within the dominions 'of the king of Spain, oblig'ing themſelves never to con'ſent, by any treaty public or 'private, to any matter, which 'ſhould be repugnant to this 'excluſion of the ſubjects of 'France.'

(1) Dr. Swift means this treaty in his conduct of the allies and of the late miniſtry, p. 38, fifth edition, in the following paſſage: 'Our trade with 'Spain was referred the ſame 'way; But this they will pre'tend to be of no conſequence, 'becauſe that kingdom was to 'be under the houſe of Auſtria; 'and we had already made a 'treaty with king Charles. I 'have indeed heard of a treaty 'made by Mr. Stanhope with 'that prince for ſettling our 'commerce with Spain. But, 'whatever it were, there was 'another between us and Hol'land, which went hand in 'hand with it, I mean that of 'Barrier, wherein a clauſe was 'inſerted, by which all ad'vantages propoſed for Britain 'are to be in common with 'Holland.' The doctor's aſſertion in this paſſage is a very groundleſs one; for the treaty of commerce with Spain and the barrier treaty could not go hand in hand, ſince the former was ſigned on the 10th of July 1707, and the other on the 29th of October 1709.

The affairs of the Upper-Rhine, this campaign, were attended with no greater ſucceſs to the confederates than thoſe of Spain. For the German forces were ſo inconſiderable in their numbers, and ſo ill provided, as not to be able to ſtand a ſudden irruption of the enemy. Marſhal de Villars, who had with great diligence and ſecrecy aſſembled his army early in Alſatia, reſolved to paſs the Rhine, and committed the execution of his deſign to the marquis de Vivans and the count de Broglio. To this end, he cauſed a bridge of boats to be laid over an arm of the Rhine, and, having landed a great number of grenadiers on the iſland over-againſt Newburgh, the count de Broglio, advanced to the Germans, and attacked them with conſiderable ſucceſs. After that marſhal de Villars, May 22d, advanced to the lines of Buhl with forty ſquadrons and ten battalions; and in his march intirely defeated the Germans advanced guard of horſe. On the 23d, at break of day, a fog made it difficult to diſcover whether the Germans, whoſe tents were ſtanding, and who fired ſome cannon-ſhot, continued behind their intrenchments: But, as ſoon as it was cleared up, it appeared, that they had abandoned them, for fear of being attacked in the rear, having notice, that the whole body, commanded by the marquis de Vivans and the count de Broglio, had paſſed the Rhine; ſo, at five in the morning, marſhal de Villars entered, without loſs, thoſe lines, which had been eſteemed the rampart of Germany, and in which he found a great many pieces of cannon, and vaſt quantities of ammunition and proviſions. The ſame day he advanced to Raſtadt, took poſſeſſion of the caſtle belonging to the princeſs of Baden, and prepared to follow the Germans with all poſſible expedition. The marſhal having proceeded ſucceſsfully thus far, continued four days at Radſtadt, waiting for his waggons and artillery, and to give neceſſary directions; and, on the 28th, marched with his main army, and incamped at Etlingen, where he found a conſiderable quantity of proviſions. The ſame day, the marquis de Vivans, whom the marſhal had ſent out with fifteen hundred horſe on the road of Pfortzheim, having information, that a body of German horſe were coming towards him, advanced to meet them, who, at his approach poſted themſelves behind a rivulet; but he charged them ſo vigorouſly, that they were broke and intirely defeated, a hundred and fifty of them being killed, eighty made priſoners, particularly a major of count Merci's regiment, who commanded them, and count de Berlo, together with all their

1707. Affairs of Germany. Brodrick.

1707. officers, and above a hundred and fifty horſes were taken. The Germans not being able to ſtand their ground, marſhal de Villars advanced to Pfortzheim, and there halted to wait for a convoy of bread and meal from fort Louis; and, on the 31ſt, marched before with the horſe of the right-wing, and all the dragoons, to follow the Germans, and obſerve their motions; and, on the firſt of June, advanced within two leagues of Stutgard, where he made and had his
June 6. own demands. The contributions of the duchy of Wirtemberg were regulated, at two millions and two hundred thouſand livres, payable in three months; thoſe of the little imperial city of Etlingen on the Neckar, at one million and one hundred thouſand, and ſix hundred thouſand livres were demanded of the city of Baden. In Stutgard they found a magazine of four thouſand ſacks of meal, beſides ten thouſand furniſhed by the regency; and marſhal de Villars, not being able to come up with the flying enemy, marched towards Schorndorf, which he cauſed to be inveſted by the marquis de Fremont. The next day, the marſhal came before the place with his whole army; but though the town was pretty ſtrong, both by its fortifications and advantageous ſituation; yet, the inhabitants refuſing to aſſiſt in the defence of it, the garriſon, to the number of about five hundred men, ſurrendered the place, upon condition of their being conducted to the imperial army. The French found in the place two mortars, fifty-four pieces of cannon, and a conſiderable quantity of ammunition and proviſions. After this ſucceſs, the marſhal being informed, that three thouſand Germans, commanded by general Janus, had intrenched themſelves near Lorch, very advantageouſly, he attacked, and totally defeated them. Janus made a brave reſiſtance; but, being over-powered, his troops were broke, and purſued almoſt as far as Gemund, with the loſs of about about ſix hundred men killed, and as many taken priſoners, and among the latter general Janus himſelf, and twenty-ſeven officers. The marſhal afterwards did ſome execution on the rear of the Imperial army, who thought it proper to retire towards Hailbron.

The marſhal de Villars had certainly greater deſigns in view, no leſs than reſtoring the elector of Bavaria to his dominions. But, having been obliged to ſend conſiderable detachments towards Provence in France, he durſt not venture further, nor undertake any conſiderable ſiege. While the empire was thus expoſed, all men's eyes turned towards the elector of Hanover, as the only perſon that could re-

recover their affairs out of theſe extremities, into which they were brought. The emperor preſſed him to accept of the ſupreme command. This was ſeconded by all the allies, but moſt earneſtly by the queen and the ſtates. The elector uſed all the precaution that the embarking in ſuch an affair required, and he had ſuch aſſurances of aſſiſtance, from the princes and circles, as he thought might be depended upon; ſo he undertook the command. His firſt care was to reſtore military diſcipline, which had been very little conſidered or ſubmitted to for ſome years paſt; and he eſtabliſhed it with ſuch impartial ſeverity, that the face of affairs was ſoon changed. But the army was too weak, and the ſeaſon too far ſpent to enter on great deſigns. One conſiderable action happened, which very much raiſed the reputation of his conduct. Being informed, that the French had ſeven regiments of horſe and dragoons incamped near Offenburg, under the command of the marquis de Vivans, he detached fourteen hundred men, and one hundred grenadiers under count Merci, to ſurprize the enemy. That general executed his orders with great conduct; and attacked the marquis, Sept. 24, by break of day, and intirely defeated them, killing ſeveral officers, and eight hundred private men. As the French knew nothing of the march of the Germans, they had appointed that day for a forage, which facilitated their defeat. The general made his eſcape with no ſmall difficulty, and his men finding themſelves cloſely purſued, quitted their horſes, and made their retreat through the hedges; ſo that the Germans brought away four ſtandards, a hundred and fifty priſoners, and near thirteen hundred horſes, having had only two lieutenants and thirty private men killed. Soon after, marſhal de Villars took the opportunity to repaſs the Rhine, by the way of fort Louis and fort Kehl; and the elector of Hanover ſeparated his army, and diſpoſed them ſo conveniently in their winter-quarters, that they might aſſemble in forty-eight hours upon any emergent occaſion. 1707.

The duke of Marlborough who had made ſo glorious a campaign the laſt ſummer, merited this year the public attention, chiefly by his important negotiations. Upon his arrival at the Hague, he had a conference with the deputies of the States-general, wherein, among other particulars, he told them, "That the troubles of Saxony occaſioning a great "diſtraction in the empire, which brought infinite prejudice "to the common cauſe; the queen, his miſtreſs, had "thought fit to ſend him thither, to pay a compliment

The duke of Marlborough goes to the king of Sweden. April 15.

1707. "to the king of Sweden, and endeavour to engage him to "remove the juſt jealouſies, which his long ſtay in the "heart of Germany gave to ſome of the high allies, for "which purpoſe he had the neceſſary powers from her ma-"jeſty, and deſired the ſame from the States." The penſionary having acquainted the States of Holland and Weſt-Friſeland with the neceſſity of the duke of Marlborough's journey, the matter was thought of ſo great importance to the common cauſe, that they readily concurred in thoſe
Apr. 20. meaſures, and the duke immediately ſet out for Leipſick by the way of Hanover. Monſieur Auverquerque, velt-marſhal of the States forces, having had ſeveral conferences with the duke of Marlborough, ſet out the ſame day for Bruſſels, in order to aſſemble the confederate troops, and obſerve the French, who began to be in motion about Namur.

The court of England, it ſeems, had been adviſed by the elector of Hanover to ſend the duke of Marlborough to the king of Sweden. It was thought this would pleaſe him much, if it had no other effect. That king ſtill remained with his army in Saxony, to the great oppreſſion of that country, and to the terror of the court of Vienna, who were apprehenſive of his quarrelling with them. His deſigns were kept ſo ſecret, that they could not be penetrated, which made the allies very uneaſy. The king of Sweden was very remarkable on many accounts. He affected a neglect of his perſon, both in cloaths, lodging and diet; all was ſimple, even to meanneſs; nay, he did not ſo much as allow a decent cleanlineſs: He appeared to have a real ſenſe of religion, and a zeal for it, but it was not much enlightened: He ſeemed to have no notion of public liberty; but thought princes ought to keep their promiſes religiouſly, and to obſerve their treaties punctually: He rendered himſelf very acceptable to his army, by coming ſo near their way of living, and by his readineſs to expoſe his own perſon, and to reward ſervices done him: He had little tenderneſs in his nature, and was a fierce enemy, too rough and too ſavage; he looked on foreign miniſters as ſpies by their character, and treated them accordingly; for he kept himſelf on great reſerves with them, nor would he ſuffer them to come near him, except when they had a particular meſſage to deliver. He uſed his own miniſters rather as inſtruments to execute his orders, than as counſellors.

Character of the King of Sweden. Burnet.

Whilſt the king of Sweden was in Saxony, the Czar overran Poland, ſo that king Staniſlaus was forced to [illegible] in Saxony to the king of Sweden for protection. [illegible] and his

his queen ſtaid there all the winter of 1706, and a great part of this ſummer. The Czar preſſed the Polanders to proceed to the election of another king, but could not prevail with them. It was therefore generally believed, that they were reſolved to come to a treaty with king Staniſlaus, and to ſettle the quiet of the kingdom, exhauſted by a long and deſtructive war. The Czar tried, if it were poſſible to come to a peace with the king of Sweden, and made great offers to that purpoſe; but that king was implacable, and ſeemed reſolved to pull him down, as he had done king Auguſtus. 1707.

To diſcover this king's intentions was the chief aim of the duke of Marlborough's journey to Alt-Ranſtad, about two German leagues from Leipſick, where the king of Sweden had his head-quarters. The duke was accompanied by Mr. Robinſon, the queen's envoy extraordinary, and monſieur Cronenburg, the Dutch miniſter. Being informed on the way, that the king could not give him an audience till the next day, the duke thought fit to go directly to count Piper's quarters (1). The count made ample proteſtations, how Robinſon's letter to the earl of Manchester.

(1) This is the account of Mr. Robinſon, afterwards biſhop of London, in his letter from Leipſick, of May 1707, to the earl of Manchester. But Monſ. Voltaire, in his life of Charles XII. king of Sweden, affirms, 'That, as ſoon as the duke of 'Marlborough arrived at Leipſick, where king Charles then 'was, he made his application 'privately, not to count Piper, 'the firſt miniſter, but to baron 'Gortz, who began to have a 'ſhare in the king's confidence 'with count Piper. He told 'Gortz, that the deſign of the 'allies was, in a ſhort time, to 'propoſe to the king of Sweden 'his being once more mediator 'between them and France. 'His motives for this were his 'hopes of diſcovering the king's 'intentions by Gortz's anſwer, 'and becauſe he would much [illegible] have had Charles for 'an arbitrator, than an enemy'. Mr. Lediard, in his life of the duke of Marlborough, vol. I. p. 457. ſecond edition, obſerves, That this piece of private hiſtory, of monſieur Voltaire's is mentioned by no other hiſtorian, and ſeems very improbable. 'I 'was, ſays he, that night in 'the city of Leipſick, and the 'next morning in the camp; 'but no ſuch thing ever came 'to my knowledge. Is it pro'bable, that ſo remarkable an 'incident ſhould eſcape the 'knowledge of every one, but 'monſieur Voltaire's informant? Were not the eyes of 'every one on the duke at his 'arrival? Could this interview 'be ſo privately managed, as 'not to come to count Piper's 'knowledge? Would not this 'have raiſed a jealouſy in him, 'that muſt have put a ſtop to, 'or very much intangled, the 'whole negotiation? And can 'it be believed, that ſo great a

1707. how acceptable his coming would be to the king, his maſter, and appointed eleven of the clock the next morning for his repairing to the head-quarters, when his majeſty came from church. The duke went thence to the quarters prepared for him about an Engliſh mile and a half from the king's; and the next morning, at the time appointed, went to wait upon his majeſty. The intendant of the court and other officers received him, and in the anti-chamber count Piper, who conducted him into the cabinet, where the king was, with ſeveral ſenators, generals, and other officers about him. The duke made a ſhort compliment in Engliſh (1), which was

'ſtateſman as the duke was, 'would have thrown ſuch a 'ſtumbling-block in his own 'way, as this would have been, 'at the very beginning of his 'treaty? Baron Gortz began 'indeed at this time to riſe in 'the king's eſteem and confi-'dence; but he was not yet 'arrived to that height in his 'favour to be a rival to Piper, 'or to dare to enter into a ſecret 'negotiation without his know-'ledge.' Monſieur de la Motraye, in his remarks on Voltaire, carries the matter yet farther againſt that writer, and ſays, 'That Gortz was out of 'the queſtion, he being then 'grand-marſhal of the biſhop 'of Lubeck, adminiſtrator of 'the duchy of Holſtein, and 'was certainly then very little 'known to the king of Sweden.' But it is evident from Mr. Robinſon's letter to the earl of Mancheſter above-cited, that the duke had a conference, on the 29th in the afternoon, with baron Gortz, as well as with count Piper; though he limits that conference with the baron to the affairs of Holſtein, in which, he ſays, things were concerted to mutual content. Monſieur de la Motraye mentions a remarkable incident upon the authority of a gentleman, who was in the coach with the duke, when he went to the audience he had demanded of count Piper: 'The duke, 'ſays he, coming to the gate 'of count Piper's quarters pre-'ciſely at the time appointed, 'ſent in his meſſage, but was 'anſwered the count was buſy. 'The duke waited a good half 'hour before he came down; 'but he no ſooner ſaw him at 'the gate ready to receive him, 'than he came out of his coach, 'and, putting on his hat, paſſed 'by the count without ſaluting 'him, and went aſide, as if to 'make water; and then, after 'having made him wait longer 'than was neceſſary for that 'purpoſe, he went up to him, 'and addreſſed him with that 'eloquence and politeneſs, 'which every one knows was 'natural to him.'

(1) This is Mr. Robinſon's own account, who was preſent, and interpreted it; and therefore Mr. Boyer is miſtaken in aſſerting, that the duke made his compliment in French. Lamberti, vol. IV. p. 434, ſays, that it was in Engliſh, and to this purpoſe:

was interpreted by Mr. Robinſon, as the king's anſwer was by count Piper (2). Afterwards the duke ſpoke in French, which the king underſtood, but did not ſpeak; and the converſation was general for about an hour, when his majeſty took the duke with him to dinner, placing him on his right hand, and count Piper on his left. After dinner the duke returned with the king to the audience-room, which, after a little while, was voided by the reſt of the company; and then the duke ſpoke at large, his majeſty giving great attention to what was ſaid, with all appearances of much content. Count Piper, who, together with Mr. Harmelin, ſtaid with the king, could not refrain from ſhedding ſome tears at the very pathetic expreſſions, which the duke uſed to aſſure the king of her majeſty's friendſhip, and, on the king's 1707.

SIR,

'I preſent to your majeſty a 'letter, not from the chancery, 'but from the heart of the queen, 'my miſtreſs, and written with 'her own hand. Had not her 'ſex prevented her from taking 'ſo long a journey, ſhe would 'have croſſed the ſea, to ſee a 'prince admired by the whole 'univerſe. I eſteem myſelf 'happy in having the honour 'of aſſuring your majeſty of 'my regard; and I ſhould think 'it a great happineſs, if my 'affairs would allow me to learn 'under ſo great a general as 'your majeſty what I want to 'know in the art of war.'

(2) It was, according to Lamberti, to this effect:

'The queen of Great-Britain's letter and your perſon 'are both very acceptable to 'me; and I ſhall always have 'the utmoſt regard for the interpoſition of her majeſty of 'Great-Britain, and the intereſts of the grand alliance. It 'is likewiſe much againſt my 'will that I have been obliged 'to give the leaſt umbrage to 'any of the parties engaged in 'it: But your excellency cannot but be convinced, that I 'have juſt cauſe to come into 'this country with my troops. 'On the other hand, you may 'aſſure the queen, my ſiſter, 'that my deſign is to depart 'from hence as ſoon as I have 'obtained the ſatisfaction I 'have demanded, but not ſooner. However, I ſhall do no'thing, that can tend to the 'prejudice of the common 'cauſe in general, or to the 'proteſtant religion in particular, of which I ſhall always 'glory to be a zealous protector.'

Monſieur de Limiers, in his life of Lewis XIV. tells us, that the king of Sweden added, 'that he was not accountable 'to any one for his actions; 'and that he would diſcover 'his deſigns, when he ſhould 'think proper.' This indeed agrees pretty well with the king's general character, but his whole deportment to the duke ſeems to be a contradiction to it.

1707. king's part, made ſuitable returns (3). Thoſe diſcourſes, and others about military matters, took up an hour and a half, when his majeſty went again to church. Afterwards the duke made a viſit to the counteſs Piper, and had then a conference with the count, and from thence went to ſee the veldt-marſhal Reinſchild's lady. On the 28th he went to Leipſick, to wait on king Auguſtus, with whom he had a private conference of about half an hour, and then returned to count Piper's quarters, where he dined. He had that afternoon a conference with count Piper and baron Gortz, about the affairs of Holſtein, in which things were concerted to

(3) Monſieur Voltaire ſays, 'That the duke, who was never haſty in making propoſals, and had learned by a long experience the art of penetrating into the minds of men, as well as of diving into the ſecret connexion between their inmoſt thoughts and their actions, geſtures, and diſcourſe, fixed his eyes attentively upon the king. When he ſpoke to him of the war in general, he imagined, that he ſaw in his majeſty a natural averſion towards France, and that he took a ſecret pleaſure, in ſpeaking of the conqueſts of the allies. He mentioned the Czar to him, and took notice, that his eyes kindled whenever he was named, notwithſtanding the moderation of the conference. He moreover remarked, that the king had a map of Muſcovy lying before him on the table. This was ſufficient to determine him in his judgment, that the king of Sweden's real deſign and ſole ambition were to dethrone the Czar, as he had already done the king of Poland. He found that he had no other views by remaining in Saxony, than, by that means, to impoſe ſome hard terms on the emperor of Germany. He knew his imperial majeſty would comply, and that thus matters would be eaſily brought to a concluſion. The duke left Charles XII. to his natural inclination, and, being ſatisfied with having diſcovered his intentions, he made him no propoſal.' Monſieur de la Motraye, in his remarks upon this paſſage of monſieur Voltaire, ſays, 'I never heard of theſe circumſtances mentioned; nor do I know it was ever ſurmiſed, that the duke, by a bare view of the map of Muſcovy lying before the king of Sweden, penetrated into the real deſign of that monarch, which you yourſelf afterwards own the Swedes themſelves were ignorant of, even when they were actually on their march.' In anſwer to which monſieur Voltaire refers to monſieur Fabricius as his author, and an eye-witneſs. Monſieur de la Motraye adds: 'I had the honour to be frequently in the preſence of Charles XII. during his ſojourning at Bender; but I never knew him [illegible] ſion towards France. On the contrary,

to mutual consent. In the evening he supped with veldt-marshal Reinschild. On the 29th he was visited by count Piper, veldt-marshal Ogilvy, and many others; and, after having dined with baron Gortz, had his audience of leave of the king of Swedeh. Before it was ended, notice was given, that king Stanislaus was in the anti-chamber; whereupon the duke saying, that he had no objection against his coming in, the king of Sweden went and brought him in. Some civilities passed between that king and the duke, who soon after took his leave, and went to Leipsick, and thence, without making any stay, proceeded on his journey to Berlin. On the 30th of April, he arrived at Charlottenburg, the king of Prussia having sent monsieur Grumkaw to desire him to pass that way. He supped that night with the king, and was lodged in the apartment belonging to the margrave. The next day, being Sunday, he accompanied the king to divine service, and monsieur Lenfant, the author of the histories of the councils of Basil and Constance, by his majesty's particular order, preached in French on that occasion. On the 2d of May the duke left Charlottenburg, in order to proceed towards Hanover, where he arrived on the 3d; and, the day following, had a private conference with the elector. In the afternoon he set out for the Hague, where he arrived on the 8th, having received the highest marks of honour and esteem in the several courts, through which he had passed since his departure from thence. 1707.

The next day, the duke was in conference with the deputies of the States-General, to whom he communicated the assurances he had received from the king of Sweden. This intirely dissipated the jealousies, which some of the allies had conceived of his Swedish majesty's designs, which were industriously fomented by the emissaries of France, who, on the other hand, used all their endeavours to engage that king in an open rupture with the emperor; for which he did

The French try to engage the king of Sweden in a quarrel with the emperor.

'contrary, he always employed 'Frenchmen in his army pre-'ferably to all other foreigners, 'and could not conceal his con-'cern for them when he heard 'of their loss. I never knew 'a Swedish officer, but what 'wished well to France; and I 'never heard any complaints, 'but only that France had for-'saken them in their misfor-'tunes, and had never paid one 'penny of the subsidies stipula-'ted between them after the 'battle of Poltowa.' To this monsieur Voltaire answers; 'cabinet messengers are admit-'ted to the presence of their 'sovereigns and are the bear-'ers of their secret councils, 'and yet are never the better 'informed of them.'

1707. did not want plauſible pretences. For, about this time, an unlucky quarrel happened between baron Strahlenheim, envoy of Sweden, and count Zobor, an Hungarian lord, ſon-in-law of prince Adam of Lichtenſtein. The occaſion was this: Being both at dinner at the count de la Tour's, and diſcourſing of the affairs of Europe, count Zobor ſaid, Three knaves occaſioned a great deal of miſchief in the world. He named indeed only prince Ragotſki for one, and king Staniſlaus for another, but he made uſe of ſuch expreſſions, as evidently ſhewed, that he meant the king of Sweden for the third: Upon which the Swediſh envoy thought himſelf in honour obliged to give him a box on the ear. The company prevented any farther miſchief at that time, and count Zobor was at firſt confined by order of the emperor, and ſhortly after ſent priſoner to the caſtle of Gratz in Stiria; the commiſſaries appointed to make enquiry into that affair, having reported, that he had been guilty of diſreſpect towards the king of Pruſſia. Baron Strahlenheim having informed the king, his maſter, of what had paſſed, his Swediſh majeſty ordered him to declare, that he approved his conduct; and that he had orders to abſent himſelf from court, till he had received a juſt ſatisfaction, as well on that account, as for the affront offered to ſome officers of his troops, who, being liſting men at Breſlau, were inſulted by the people. The imperial miniſters ſhewed a willingneſs, at this critical juncture, to give the king of Sweden all reaſonable ſatisfaction: But, with regard to count Zobor, they thought, that, baron Strahlenheim having given a blow to a perſon of his quality, and his imperial majeſty having ſince confined him cloſe priſoner, the Swediſh court ought not to inſiſt upon farther ſatisfaction.

This was not, however, the moſt material point, that made the court of Vienna uneaſy; for the Swedes had ſtarted other pretenſions of a more delicate nature; and, in a declaration, which count Piper had communicated to count Zinzendorf, his Swediſh majeſty inſiſting on the delivering up of the Muſcovite troops, which, when they eſcaped the year before out of Saxony, were entertained in the imperial army on the Upper Rhine. Theſe troops being informed, what was in agitation in regard to them, diſbanded themſelves, and marched off, in parties of about twenty, through Bohemia and Moravia into Poland. This ſo exaſperated the king of Sweden, that he renewed and ſtrenuouſly inſiſted upon his demand of the ſurrender of thoſe

thoſe troops; adding, that he expected a more ample ſatiſfaction, as well for the affront offered to baron Strahlenheim, as for the recruits which were raiſed for him in Sileſia, and had been taken from his officers at Breſlau. The very day that theſe demands, which were made to count Zinzendorf, were communicated by him to the imperial court, baron Strahlenheim received orders from the king, his maſter, to repair to him, without taking leave of that court. He was prevailed upon to ſtay four days, that he might carry with him the emperor's anſwer to his maſter's demands; but that anſwer not being then ready, he left Vienna, and ſet out for Saxony. Two days after, the anſwer was, however, ſent, and imported, in ſubſtance, "That the emperor could not "deliver up the Muſcovites, they not being in his power: "That count Zobor ſhould be proſecuted as a criminal in "the courſe of law; and, as for what had happened in "Sileſia, with reſpect to the levies for his Swediſh majeſty, "ſufficient ſatisfaction ſhould be made, after due examina-"tion into the matter of fact." To give farther ſatisfaction to his Swediſh majeſty, the imperial court ſoon after declared, that ſome troops had been detached in purſuit of the Muſcovites, in order to their being delivered up to the king of Sweden, but had not been able to overtake them; and farther, ſolemnly averred, that the Muſcovites made their eſcape from the Rhine, without their connivance or participation. This declaration was, however, contradicted by baron Strahlenheim, who, in his way from Vienna to Saxony, meeting ſome of thoſe troops, and pretending to be count Wackerbaert, a general in the ſervice of king Auguſtus, they frankly owned, that their eſcape was concerted with the imperial court. This, being entirely believed by the king of Sweden, irritated him the more, and made him inſiſt peremptorily upon full ſatisfaction, with regard to all the three points, before he left Saxony. The emperor dreading the conſequences of a rupture with the Swedes, who might eaſily have over-run his hereditary countries; and having nominated count Wratiſlau to go to the king of Sweden, to adjuſt all differences, that nobleman wrote to count Piper, to know whether he ſhould meet with a favourable reception. But count Piper let him know, "That, "if he came with power to give his maſter real ſatisfaction, "he would be welcome; but that, if he only came to en-"ter into a diſcuſſion of his Swediſh majeſty's pretenſions, "he might ſave himſelf the trouble of that journey." Upon this, the imperial court ſent orders to count Zinzendorf, 1707.

1707. to urge count Piper to declare, what ſatisfaction his maſter inſiſted upon, ſince he refuſed to allow his miniſter to diſcuſs it, and to aſſure him, that the emperor was ready to refer the controverted points to the arbitration of the queen of Great-Britain (1). Her majeſty wrote likewiſe to the king of Sweden, to exhort him to forbear all hoſtilities; but his anſwer was, "That, ſeeing the emperor did not give him "the ſatisfaction he expected, he ſhould be obliged to take "it, ſince his delaying to do himſelf juſtice had encouraged "people to offer him new affronts:" Which laſt expreſſion related to the eſcape of the Muſcovites. The imperial court not only complied with the king of Sweden's demands, as to the delivering up both count Zobor, and the imperial officers, who hindered the raiſing of the Swediſh levies in Sileſia, as preliminaries to the admiſſion of count Wratiſlau, as

(1) This is confirmed by the following paſſage, in a letter of the earl of Mancheſter to the earl of Sunderland from Vienna, May 14, 1707, printed in Mr. Cole's memoirs of affairs of ſtate, p. 447.

'The miniſters (ſays lord 'Mancheſter) have ſpoke to me 'of the proceedings of the king 'of Sweden towards this court. 'This envoy has again renewed 'with ſtrong expreſſions his de'mands of having the Muſco'vites delivered to him by the 'emperor, and ſatisfaction for 'what has paſſed between the 'count Zobor and his miniſter, 'which he carries ſo high, as 'to make it a capital crime, as 'alſo reparation in the matter 'of Breſlau; and, in caſe he has 'not immediate ſatisfaction, he 'has orders to go away. Theſe 'things make them very uneaſy 'here, they lying ſo expoſed. 'All this he has done within 'theſe few days; and ſince the 'duke of Marlborough has 'been in Saxony, which they 'hoped had made all things 'eaſy. I believe, they have not 'yet determined what meaſures 'to take; but I believe they 'have wrote this whole matter 'to England, and I cannot tell 'whether it will not ſtop the 'detachment for Naples, tho' 'by this time it ſhould be 'marched.' I do believe, that 'they wrote this whole matter 'to England, to be laid before 'the queen; and I hear they 'have alſo ſent an expreſs to 'Holland. I wiſh it may not 'be the occaſion of recalling 'ſome troops out of Italy for 'their own preſervation.' Here the earl of Mancheſter ſeems doubtful, whether the duke of Marlborough had been ſo effectually ſucceſsful, as had been hoped: but the earl of Sunderland, in a letter to his lordſhip from Whitehall, May 6, 1707, ſays, 'lord Marlborough has, I 'hope, left matters with the 'king of Sweden in as good a 'way as one could expect, 'which will be a great eaſe to 'that ſide.'

as envoy from the emperor; but declared likewiſe, that the city of Breſlau ſhould pay four thouſand crowns to the widow of a Swediſh corporal, who was killed in that city, in a ſcuffle, occaſioned by the ſeizure of thoſe levies. But this forced compliance did not fully ſatisfy the king of Sweden, who, upon count Wratiſlau's arrival at Alt-Ranſtadt, refuſed to admit him to his audience. This miniſter was therefore obliged to content himſelf with conferring with count Piper and monſieur Hermelin, concerning the eſcape of the Muſcovites, which the imperial court now thought was the only important point, that remained unadjuſted. But they were deceived. 1707.

The king of Sweden gets the proteſtant churches in Sileſia to be reſtored.

It ſeems the proteſtants in Sileſia had their churches, and the free exerciſe of their religion, ſtipulated to them by the treaty of Munſter, and the crown of Sweden was the guarantee for the obſervation of this article. Now, theſe churches being taken from them, the king of Sweden, upon their application, very readily embraced the opportunity which had been long neglected or forgotten by his father, to reſtore them to their juſt rights and privileges. To this end, having ſent four regiments of Swediſh horſe into that country, he multiplied his demands into the following articles: "I. That the emperor ſhould give it under his hand, "that he knew nothing of the march of the one thouſand "two hundred Muſcovites, who eſcaped through the here- "ditary countries. II. That he ſhould forthwith decide "the affair of the election of Lubeck in favour of the duke "adminiſtrator of Holſtein, and confirm the agreement be- "tween that houſe and the chapter for the two next gene- "rations. III. That the country of Hadeln, on the river "Elve, be ſequeſtered into the hands of his Swediſh majeſty, "till the right of all the pretenders to it be decided. IV. "That the proteſtant religion in Sileſia be reſtored accord- "ing to the treaty of Weſtphalia. V. That his imperial "majeſty ſhould renounce all pretences to the quota which "the king of Sweden had not furniſhed towards the pre- "ſent war, and ſhould draw no conſequences from the "crown of Sweden's not having done homage for the do- "minions they have in the empire, ſince the year 1664. "VI. That the whole Swediſh army, in their return thro' "Sileſia into Poland, ſhould be maintained at the emperor's "charge." There were about the ſame time certain other articles handed about privately in Holland, which, it was inſinuated, the king of Sweden deſigned to propoſe to the diet, the chief of which were: "I. That the elector of "Bavaria

1707. "Bavaria ſhould be reſtored, or, at leaſt, his electorate "given to the king of Sweden, and he be declared elector "in his room, as being his neareſt relation. 2. That, for "the future, the election of emperor ſhould be alternately "out of the three religions, ſince the electoral college was "compoſed of them. 3. That the proteſtant churches "ſhould be re-eſtabliſhed in Sileſia, Moravia, Bohemia, "Hungaria, &c. on the ſame foot they were on at the "time of his great predeceſſor, Guſtavus Adolphus. 4. "That the king of Sweden ſhould have the ſovereignty of "the city of Bremen." Theſe articles were probably forged in France; but, with regard to the other ſix articles, they occaſioned ſeveral conferences between count Wratiſlau and count Piper; and the former, being convinced of the neceſſity of preventing a rupture, which would have proved fatal to the common cauſe, paſſed over ſeveral formalities, and granted ſome points, which, at any other time, would have been rejected by the court of Vienna. The confirmation of the treaty between the chapter of Lubeck and the ducal houſe of Gothorp in the year 1647, and the reſtoration of the exerciſe of the proteſtant religion in Sileſia, were the two articles of hardeſt digeſtion with the imperial court, and therefore met with the greateſt difficulty. The Swedes inſiſted, that they ſhould be allowed to keep ſome troops in Sileſia, till the churches of the proteſtants ſhould be rebuilt, which the imperial court would not agree to; and, on the other hand, they refuſed to approve and ratify the treaty about the biſhopric of Lubeck, till that affair was fully examined. But the guaranty of the queen of Great-Britain and the States-general removed all obſtacles, and on the 1ſt of September, N. S. all matters were agreed upon.

The king of Sweden leaves Saxony.

The next day the king of Sweden decamped very early from his quarters at Alt-Ranſtadt, and count Wratiſlau, having waited upon him, the treaty was ſigned at Wolkwitz that very day; and the imperial miniſter ſet out on the 3d for Vienna, to have the agreement ratified.

King Auguſtus being indiſpoſed, the king of Sweden went to Dreſden, and made him a viſit, with whom he had a long conference. His Swediſh majeſty, being returned to his army, continued his march for Sileſia, where the imperial ratifications of the convention, ſigned by count Wratiſlau, were delivered to him. That prince was ſo well pleaſed with the diſpatch uſed at the imperial court in this affair, that he reſolved to quit Sileſia immediately, and march into Poland, ſo that all his forces were on the other ſide

ſide of the Oder before the 25th of September. However, his Swediſh majeſty left the baron de Strahlenheim in Sileſia to ſee the execution of the treaty; and, before his departure from Leibnitz, he had the ſatisfaction to ſee ſeveral churches reſtored to the proteſtants; which was no ſmall mortification to the jeſuits and popiſh prieſts, who made great oppoſition to the performance of what had been ſtipulated; but the imperial court would not provoke a prince who they thought was ſeeking a colour to break with them. It is obſervable, that the biſhop of Breſlau, fearing the reſentment of the pope, took a pretence to abſent himſelf from that city, to avoid ſigning the orders given for reſtoring the proteſtants to their former rights. But the king of Sweden, being diſpleaſed with that prelate on this account, ſignified, that he expected that he ſhould ſign and approve thoſe orders; which formality he thought neceſſary, becauſe the biſhop of Breſlau is the chief perſon in the regency of Sileſia next to the emperor; and therefore his refuſing to ſubſcribe the orders might afterwards have been drawn into ill conſequence againſt the proteſtants. As for count Zobor, whom the king of Sweden had ſent priſoner to Stetin, he was upon his humble ſubmiſſion ſet at liberty with great marks of generoſity. Upon theſe proceedings the king of Sweden was highly magnified, and great endeavours were again uſed to engage him in the alliance; but he was ſo ſet againſt the czar, whom he deſigned to dethrone, that nothing could divert him from it. 1707.

To return to the duke of Marlborough. He arrived at Bruſſels the 13th of May, and having immediately held a council of war with monſieur Auverquerque and the field-deputies of the States, orders were ſent to the confederate troops to march to their rendezvous at Anderlach near Bruſſels; from whence they moved to Billengen and Lembeck. Upon intelligence, that the elector of Bavaria and the duke of Vendoſme, who commanded the French army, were come out of their lines, the allies marched to Soignies, with a deſign to engage them in the plain of Flerus: but being further informed, that the enemy were much ſuperior in number, and had drained all their garriſons, with a deſign to plunder the rich open cities of Brabant, in caſe the allies ſhould undertake any ſiege; the confederate generals marched back from Soignies towards Bruſſels, and poſted themſelves at Meldert. At the ſame time, the French advanced to Gembloux, and ſo both armies continued above two months in their reſpective camps. At length, upon certain advice The campaign in Flanders inconſiderable.

1707. that the French had detached thirteen battalions and twelve ſquadrons from their army towards Provence, the duke of Marlborough, in concert with monſieur Auverquerque and the deputies of the States, reſolved to march from Meldert towards Genap, in order to attack the enemy with leſs diſadvantage, in their fortified camp at Gembloux. Accordingly, the diſpoſition was made for the army to paſs the Zeule at the abbey of Florival; which being done, they marched towards Genap, where they incamped with their right at Promelles, and their left at Davieres. Here they had intelligence, that the enemy no ſooner received advice, that the army of the allies was in motion, than they were extremely alarmed, and immediately ordered their troops to their arms. They likewiſe cut down ſeveral trees in the roads and paſſages, which led to their camp, and, having got certain information which way the allies were moving, they began their march with all imaginable precipitation towards Flerus and Heſpenay, intending to be that evening at Goſſeliers, and take poſſeſſion of the ſtrong camp at Pieton. The confederate generals received advice, that the French army had made but a ſhort halt at Goſſeliers, and were advanced to Seneff, the elector of Bavaria having taken his head-quarters in the caſtle of Vanderbeck, and the duke of Vendoſme in the farm-houſe of Rel, between Vanderbeck and Seneff, with the river Pieton before them. The duke of Marlborough and monſieur Auverquerque having conferred together, it was reſolved to march directly to Nivelle, and attack the enemy; but, coming too late to attack them that day, and having reaſon to believe, that they would attempt to retire in the night, in order to gain the camp at Cambron, all poſſible diligence was uſed to prevent their effecting it. To this end, count Tilly, with forty ſquadrons of horſe and dragoons, which were commanded, under him, by the earl of Albemarle, and the major-generals count d'Erbach and Roſs, and a detachment of between five and ſix thouſand grenadiers, commanded by lieutenant-general Scholten and major-general Zoutland, was ordered to poſt himſelf between the two armies; and, in caſe the enemy decamped, to fall upon their rear, and keep them in play, till the whole army ſhould come up. Theſe troops, notwithſtanding they marched with all poſſible diſpatch, could not reach their poſts before midnight. The French, in the mean time, foreſeeing what was the duke of Marlborough's deſign, and perceiving, that it would not be poſſible for them to avoid an engagement, if they

continued

continued in their camp till the morning, reſolved to decamp 1707.
in the night, and count Tilly advancing before break of
day with his detachment, ſaw their army in full march,
making their retreat in very good order from hedge to hedge,
and obſerved the country to be ſo difficult, that it would be
next to impoſſible to come at them. He gave immediate
notice of this to the duke of Marlborough, and informed
him, that he was marching to endeavour to attack their
rear, according to his orders. Upon this the duke detached
twenty battalions, and thirty ſquadrons, under the command
of general count Lottum, to ſupport count Tilly; the horſe
being commanded by lieutenant-general Dopf, the ſieur
Schulenburg, and the earl of Athlone, major-generals; and
the foot by lieutenant-general Fagel, and major-general
Welderen. Count Tilly marched with all poſſible ſpeed,
and had ſeveral ſkirmiſhes with the enemy's rear; but, hav-
ing purſued them three or four hours, as far as the plains
of Marimont, and obſerving, that it was to no purpoſe to
fatigue the troops, he returned to the camp. The country
was cut by many deep roads, which very much favoured
the enemy's retreat; for there they poſted ſome of their in-
fantry, which hindered the confederate horſe from making
openings to follow them. The duke of Marlborough, who
was advanced with a detachment, being returned to the
camp, reſolved to remain there that day, to give the troops
ſome repoſe, after the fatiguing march they had made;
and, becauſe he was under an uncertainty, whether the
enemy marched towards their lines, or to Cambron, mon-
ſieur Auverquerque ſent one of his aids-de-camp, with one
hundred and fifty huſſars, to poſt himſelf on the hills of the
Great-Roulx, from whence they diſcovered the enemy's
march at about half a league's diſtance. That officer re-
ported, that the vanguard was advanced to St. Dennis,
having the river Haiſne behind them; which was confirmed
by the ſpies, who added, that the elector of Bavaria had
his quarters at St. Dennis, and the duke of Vendoſme at
Caſtiaux. From this march the generals concluded, that
the enemy did not deſign to retire within their lines, but
rather to poſſeſs the advantageous camp at Cambron: upon
which the confederate army decamped from Nivelle; but,
having the whole day a very violent rain, which made the
roads almoſt unpaſſable, it was very late when the right
came to Soignies, and the left could not come up till the
next morning, though a thouſand pioneers had been three
days at work to repair the road from Arquennes to Soignies.

1707. The confederate army ſuffered very much in this march, but the enemy laboured under much greater difficulties; for, having lain on their arms at St. Dennis all night, they purſued their march early the next morning with great precipitation, and in the ſame confuſion as before, to Chievres, where they arrived at the ſame time the confederates came to Soignies. This haſty retreat, beſides the fatigue, occaſioned a very great deſertion among the French; for, their ſoldiers having been without bread for more than two days, and without reſt for three, not having time to put up their tents between Seneff and Chievres, about a thouſand of them went over to the confederate-camp, and as many more at leaſt to Bruſſels and other places. The enemy was, beſides, in want of all ſorts of neceſſaries, during their whole march from Gemblours, their baggage being ſent away from thence, with their artillery to Charleroy, upon the firſt motion of their army to avoid an engagement.

The great rains, which continued for ſome days, having rendered the ways wholly unpaſſable, obliged the duke of Marlborough to give over the purſuit of the enemy, and detained the confederate army in the camp at Soignies. The enemy, in the mean time, fortified the avenues to theirs, as well as the unſeaſonableneſs of the weather would allow them; and though their army was ſoon after reinforced with ſix battalions and two regiments of horſe from the flying camp of count de la Motte; yet they retired farther beyond the Marque, and incamped with their right at Pont à Treſin, and their left under the cannon of Liſle. Monſieur Rouſſet, in his account of this march, obſerves, that the confederate army left their camp at Soignies on the 31ſt of Auguſt, and marched directly towards the enemy, who were at Cambron: that the prince of Orange, as general of the republic, put himſelf at the head of the Dutch infantry; but that the French had no ſooner advice of this march, than they quitted the camp at Cambron with great precipitation, notwithſtanding the advantageous ſituation, paſſed at length the Scheld, and retired behind their lines between Liſle and Pont à Treſin: that, if the allies had begun their march an hour or two ſooner, they might have fallen upon the rear-guard of the French army, whom they ſaw following the body of it: and that the van of the allies got into their camp, where they found beer, wine, and ſeveral other things, which the French had not time to carry away with them. The allies advancing again towards them, the duke of Marlborough had intelligence, that the French had

had made a diſpoſition to forage at Templeuve and the vil- 1707.
lages thereabouts: he therefore marched out by break of day with twenty thouſand foot, five thouſand horſe, and twelve pieces of cannon, with a deſign to attack the guard that covered them, and by that means endeavour to bring them to a general action; but the enemy, being informed of the duke's intention, did not think fit to venture out of their camp. The duke therefore ordered his troops to forage thoſe places, that the enemy might have no farther benefit from them; which was done without the leaſt oppoſition, though under the cannon of Tournay, within a league of the enemy's camp, and three from that of the confederates; ſo fearful were the French of expoſing themſelves to any hazard, though with never ſo viſible an advantage. The duke of Marlborough finding it impoſſible to bring the duke of Vendoſme to an engagement, the French camp being covered with the Scheld and their intrenchments, he left the camp at Helchim on the 4th of October, N. S. and went to the Hague, where he arrived, on the 6th, at nine in the morning, and immediately made a viſit to the grand penſionary and monſieur de Slingerland, ſecretary of the council of ſtate. The ſame afternoon he had a conference with the deputies of the States-general, wherein he communicated the orders he had received from the queen of Great-Britain, to repair to Francfort, and confer with the electors of Mentz and Hanover about the operations of the next campaign. The next morning he had another conference with theſe deputies, and, in the evening, ſet out for the army, to give the neceſſary orders for the marching into winter-quarters. Immediately after his arrival there, the troops which were deſigned for the garriſons of Menin, Courtray, and Oudenarde, went into thoſe places; and, when the reſt of the army came to Aſche, they continued there till they heard the French army was ſeparated, upon which all the confederate troops went into winter-quarters, being much the ſame as they had been the laſt year.

The armies ſeparate. Oct. 20.

The duke of Marlborough ſet out for Germany, and was met by the elector palatine at Bruck, about a league from his caſtle of Banſberg; and, the next day, he arrived at Francfort, where the electors of Hanover and Mentz being already come, they had ſeveral conferences together, but nothing was concluded, till the arrival of count Wratiſlau, the emperor's plenipotentiary; nor even then neither, becauſe the count declared, that he was not fully inſtructed. Upon this the conferences broke off; and the two electors

The duke of Marlborough goes to Germany,

1707. left Francfort, and the duke of Marlborough returned to the Hague, attended by count Wratiſlau, and arrived there on the 3d of November. During his ſtay, he communicated to the States-general what had paſſed at Francfort; and, their deputies having had ſeveral conferences with the imperial miniſters, the States reſolved to uſe all poſſible means to engage the empire, to make greater efforts for the future than they had hitherto done. In order to this, they wrote a preſſing letter to the diet of Ratiſbon, wherein, after having repreſented the great deficiencies and delays of the Germanic body from time to time in the performance of what they were by treaty bound to, and the ill conſequences which had hitherto attended them, they concluded, with ſaying, "That their High-mightineſſes would continue to "contribute their utmoſt towards bringing about the great "work, which they had, jointly with them, undertaken; "but that they expected the like from his imperial majeſty "and the empire, ſeeing they were obliged to it by their "alliances and the common intereſt; and, in caſe of non-"performance, their High-mightineſſes proteſted againſt all "the ill conſequences thereof."

and returns to England. The duke of Marlborough, having ſettled ſeveral other affairs with the States, embarked for England, and came to St. James's on the 7th of November.

Campaign in Italy and Provence. Burnet Hiſt. of Europe. The queen of Great-Britain, the States-general, and the duke of Savoy, had formed (as hath been ſaid) a project of invading Provence in France, in order to take or deſtroy Toulon and Marſeilles; which deſign, if it could have been effected, would have ruined the maritime power of France, and been of infinite advantage to Great-Britain and Holland, by ſecuring and enlarging their trade, and to the whole confederacy, by depriving the enemy of means to carry on their profitable commerce to the Weſt-Indies, which alone inabled them to proſecute the war. But the court of Vienna laid the deſign of reducing the kingdom of Naples, which, as it tended to divide the confederate army in Italy, claſhed with the other enterpriſe, and therefore was ſtrongly oppoſed by Great-Britain and Holland, the earl of Mancheſter, who paſſed through Vienna in his way to Venice, having remonſtrated againſt it (a). These repreſentations having proved

(a) In order to form a clear notion of this affair, it will be proper to tranſcribe ſuch paſſages from the letters written by the earl of Mancheſter and to him, as relate to this ſubject. The

proved ineffectual, and the court of Vienna inſiſting, that the forces of the allies were ſufficient to carry on both theſe enterpriſes at once; count Thaun, with a ſtrong body of imperialiſts, marched from Lombardy through the eccleſiaſtical 1707.

The earl of Sunderland to the earl of Mancheſter.

Whitehall, March 7, 1706-7, O. S.

Having received by the laſt poſt an account of an agreement between prince Eugene and the prince of Vaudemont, for the withdrawing all the French troops out of Italy, and apprehending leſt the court of Vienna, upon this, may be more intent than ever, upon the deſign of ſending troops into the kingdom of Naples, and monſieur Vryberge having, in a memorial to her majeſty, repreſented the ſame thing; her majeſty has commanded me to acquaint your lordſhip, that it is her pleaſure, that you haſten your journey to Vienna as much as poſſible; and that you do repreſent to that court, in her majeſty's name, how deſtructive any ſuch deſign would be to the carrying on the war in Dauphine and Provence, which is ſettled and concerted by the duke of Savoy, and which is the only way by which France can be affected, or a diverſion made in favour of king Charles.

The earl of Mancheſter to the duke of Marlborough.

Hague, March 25, 1707.

I have waited on the penſionary, and I told him, that I had orders to make what haſte I could to Vienna; and that her majeſty did intirely concur with the States-general, in relation to the project concerted with the duke of Savoy. He ſeemed to think, that the agreement that is made in Italy, for the French troops to retire to Suſa, may be of ill conſequence: and this he ſuppoſes is the reaſon, why her majeſty nor the States-general were not made acquainted with it from the imperial court, leſt they ſhould have diſſuaded them from it.

Marquis de Prie to count Leichtenſtein.

April 8, 1707.

We are at laſt come to the favourable moment to be able to undertake the conqueſt of Naples, with all the appearances of a ſpeedy and happy ſucceſs. The kingdom is intirely unprovided with troops; the people ſhew openly enough a good diſpoſition for the very auguſt houſe, and they are at liberty to follow it. The retreat of the enemies out of Lombardy, will give ſtill more courage to the well-intentioned. We have even all the reaſon to believe, that France has already reſolved to renounce that kingdom, which ſhe would, beſides, have difficulty enough to ſupport. The cabinet of France will reflect without doubt, that the ſending a ſmall body of men would be ſacrificing them with the country; and ſhe cannot ſend thither a great one without unarming the frontiers on the ſide of Piedmont, which is intirely open, after the demolition

1707. aſtical ſtate, and ſtruck no ſmall terror into the court of Rome, as they paſſed near it. It was apprehended, that ſome reſiſtance would have been made in Naples by thoſe who governed there under king Philip; but the inbred hatred which

The conqueſt of Naples.

motion ſhe has made of Nice and Montalban, rather to ſatisfy her animoſity againſt his royal highneſs or Savoy, than to follow her intentions. Our army will be ſtronger and in a better condition to act, than that of the laſt campaign, which has ſurmounted ſo many obſtacles. All the troops of the allies remain in Italy. The imperial army will be reinforced conſiderably by the recruits and the recounting. That of his royal highneſs will be re-eſtabliſhed to the number of ſeventeen thouſand men. We are here almoſt ready to undertake the expedition of Naples, and the entry into France, both at the ſame time. The enemies will not be able in this uncertainty to ſend troops into the kingdom of Naples, which they would hereafter not be able to withdraw, or to reinforce, as ſoon as the fleet ſhall appear in the Mediterranean. On our ſide, we can carry on that war with all ſort of convenience and advantage. Our troops, and eſpecially our horſe, will go by land, whilſt France will be obliged to immenſe difficulties and expences to embark their cavalry. She may remember the conſequences of the engagements at Meſſina: the too great diſtance cauſed her ſo great a diverſion, that the court of France was at laſt perſuaded to abandon, ſcandalouſly enough, that enterpriſe, at a time when ſhe made war every where elſe with advantage enough. But, if ſhe would even make all ſorts of efforts, we ſhall be always able to make detachments from this army great enough to maintain a ſuperiority. So that ſhe will either ruin herſelf in ſupporting a diſtant war, full of expence and difficulty, or we ſhall have fair play; and we can finiſh the expedition in one march, and even make uſe elſewhere of the troops, that will not be neceſſary to guard the country; whence we can eaſily embark the foot, and tranſport them in a little time to Final, or perhaps into Provence. We could even, in caſe of neceſſity, ſend them into Spain. I have made good uſe of theſe reaſons to perſuade the miniſters of England and Holland of the facility of this enterpriſe. I have ſhewn, that it does not hinder us at all in any of the operations, and the view we have of entering into France, which they have much at heart; and, far from that, the conqueſt of theſe two kingdoms will facilitate the means to puſh that war more vigorouſly, and to finiſh it perhaps more quickly, whilſt it may chance to determine the Spaniards to return to their duty, to preſerve the affairs in Italy to their monarchy. I have alſo endeavoured to confirm his royal highneſs in the firſt reſolutions which were taken, and of which we formed the projects at the end of the laſt campaign, which were then ſent to England; whilſt he was

which the Neapolitans bore the French, together with the ſeverities of their government, had put that whole kingdom into 1707.

very much attacked by the remonſtrances and difficulties which the two powers made, and by the zeal he has to puſh his point vigorouſly on the ſide of France, according to the deſire and inſtances of England and Holland, and the hopes we have to cauſe ſome commotions. His royal highneſs has declared, that he would ſubmit to what the emperor ſhould order about it, and that he will be ready to execute it.

The earl of Mancheſter to Mr. ſecretary Harley.

Vienna, April 25, 1707.

I arrived here on the 21ſt, and had been here ſooner, had I not met with contrary winds on the Danube, though I find it would have been much the ſame thing, for this week every one is in devotion. I have, nevertheleſs, ſeen monſieur de Zinzendorf and monſieur Wratiſlau, and did not fail to take the firſt opportunity to ſhew them the ill conſequence to the intended deſign of proſecuting the war into France, ſhould they firſt undertake that of Naples; and I did acquaint them with the orders I had received from her majeſty. As for count Zinzendorf, he was not ſo poſitive as the latter; but they both agreed in this, that it would not in the leaſt prejudice that undertaking; for ſince the French were intirely out of Italy, there were troops ſufficient for both. That prince Eugene was to ſtay, though his preſence would have been of very great conſequence: that they had given their reaſons to monſieur Dopf, which they hoped would ſatisfy her majeſty; as alſo the States-general. I had a great deal of diſcourſe on that ſubject with the latter, who, I fear, has no great opinion of the project concerted with the duke of Savoy. When I preſſed that matter, he did ſay, that, by the grand alliance, that of Naples was firſt to be undertaken; and that the emperor was not able to ſuſtain this war without ſome aſſiſtance of that nature: that every thing was ready here, and they had reaſon to believe, they ſhould ſucceed with a ſmall number of troops. I do not doubt but her majeſty is already informed of the reaſons they alledge; and I cannot but think, though they do not poſitively own it, that the orders are already gone to Italy.

The earl of Mancheſter to the earl of Sunderland.

Vienna, April 27, 1707.

Yeſterday I had my audience of the emperor, when, after I had made him the uſual compliments on the part of her majeſty, and told him how great a ſatisfaction it was to her, as alſo to her allies, that his majeſty had granted the inveſtiture of the duchy of Milan to the king of Spain, and that her majeſty had commanded me to receive his orders before I went to Italy; then I acquainted him, that the expedition into France was of the laſt conſequence, not only in relation to the common cauſe, but alſo to the ſecuring the crown of Spain

1707. into ſuch a diſpoſition to revolt, that the ſmall party which adhered to king Philip, found it not adviſeable to offer any reſiſtance,

to the king: that her majeſty did hope, that he had given all the neceſſary directions, in order to ſupport it as far as it is poſſible: that it was a matter that ſo nearly concerned her majeſty, in regard it related to the king of Spain, that ſhe did hope there would be no objections made to it. I alſo took notice of the orders I had received in relation to the duke of Savoy. The emperor anſwered me, in relation to her majeſty, with all the acknowledgments imaginable; but did not touch on any thing of the inveſtiture of the duchy of Milan. As to the duke of Savoy, he ſaid, that he had done, and would do what remained, not only in regard to him, whom he ſpoke extremely well of, but alſo in regard to the queen. I have again preſſed all the miniſters to lay aſide for the preſent the ſending a detachment to Naples, &c.—Yeſterday arrived an expreſs from count Galas. The letters are of the 9th inſtant, O. S. I perceive they do not pleaſe here, for they are much ſet on the expedition to Naples. I aſked monſieur Zinzendorf, whether the reaſons they had given monſieur Dopf, had changed their minds in England, in the affair of Naples? but he ſeemed to own it had not.

Memorial of the Dutch envoy.

The States-General of the United-provinces have ordered the under-written miniſter at the imperial court, under the date of the 11th of April 1707, to repreſent here, that they muſt judge, by the ſmall preparations that are made by the ſaid court in Italy, for the concerted expedition againſt France from that ſide, that the imperial court takes the ſaid expedition very little to heart; but that it ſeems rather, that they think here only on that of Naples; which their High-mightineſſes can, however, not approve of, nor can they find the reaſons alledged on the part of the ſaid court ſufficient to juſtify it, becauſe, the great aim of the war and the alliance being to bring France to reaſon, the invaſion of France is the moſt certain and the moſt likely method to do it; and the more the forces, that are to be employed in this, ſhall be conſiderable, ſo much greater will be the effect hoped from it, whilſt the expedition for Naples deviates from it, and cannot but leſſen the ſucceſs of it, by leſſening the forces, without cauſing the enemy any diverſion; and whilſt we ſhall by this put ourſelves in danger of loſing Spain, which would be a loſs by no means to be made up by all the advantages that can be obtained by the expedition of Naples. It is therefore, that their High-mightineſſes hope, that his imperial majeſty would ſtill be pleaſed to deſiſt from the ſaid expedition to Naples; and they have ordered their underwritten miniſter to make the moſt preſſing inſtances, that all the forces that are

it

reſiſtance, and had only time enough to convey their treaſure, and all their richeſt goods to Gaeta, and to retire thither. 1707.

in Italy, may be employed in the expedition againſt France; and that all the neceſſary preparations for this may be forthwith made, with more ſeriouſneſs and application, than could hitherto be perceived.

Vienna, April 25, 1707.

J. J. Hamel Bruyninx.

The earl of Mancheſter to Mr. ſecretary Harley.

Vienna, April 30, 1707.

Here are no letters yet from England; ſo that I continue, as often as I ſee the miniſters, to perſuade them to lay aſide the expedition of Naples, which I believe they will do, unleſs it be approved of by her majeſty. What makes them more zealous in that matter, is the apprehenſion, that in Holland they might be brought, at a general peace, to conſent to the diſmembering it from the Spaniſh monarchy; and, if once they are in poſſeſſion of it, England will never conſent to it. They flatter themſelves, that, upon their appearing, the people will declare. As to the intended expedition into France, it is certain, that this court has ſent the recruits they promiſed, as alſo the mounting for their horſe. They alſo aſſure me, that they are doing what is neceſſary in relation to their magazines; but I am confident, that in this they will fall ſhort; and I can eaſily perceive, that their meaning is, only till their troops can enter into France; and then they muſt ſubſiſt themſelves, or we muſt do it: which I find is the true reaſon, which makes them ſay, that of Provence is moſt practicable, becauſe, as I ſuppoſe, they think they can be ſubſiſted by our fleet. They aſſure me, that what is agreed on will be performed.

The earl of Mancheſter to the earl of Sunderland.

Vienna, May 4, 1707.

They are ſtill zealous for the expedition of Naples. Theſe troops, as they promiſe, ſhall not exceed ſeven thouſand men; and that, in caſe they do not ſucceed, they will not ſend a man more; but thoſe troops are to canton, and to keep their ground, till a more favourable opportunity. General Thaun is to command them, and under him general Kriegbaum, who ſet out yeſterday with orders to prince Eugene to have the troops ready; and it may be to march, for there is no time to be loſt. But I am ſtill of opinion, they will wait till they ſee what the king of Sweden will do, and what aſſurances the duke of Marlborough has. Here are letters come from thence, which mention, that his grace was in conference with count Piper for ſeveral hours; that my lord duke arrived there on the 26th, and was to go away on the 29th, but they could not tell any particulars. No expreſs is come here from the emperor's miniſters, which makes them fear here, that things

1707. thither. They reckoned, that they ſhould either be relieved from France by ſea, or obtain a good capitulation; or,

things are not right, The letters all agree, that they very much doubt it, which, I believe, will be the only inducement to prevent ſending a detachment to Naples. For the preſent, I take all occaſions to diſſuade them from it; but their anſwer is always what I have already mentioned; as alſo that there will be more troops left, after this detachment ſhall be made, than can be employed. The emperor will have thirty-five thouſand men in Italy, and in our pay, as they ſay, twenty thouſand. There ſhould be twenty-eight thouſand. But the Heſſians, Saxe-Gotha, and Palatines will not be compleat. The duke of Savoy has thirteen thouſand. So that the army will conſiſt of about ſixty-eight thouſand men. Now the concluſion is, that, if ſeven thouſand out of this army go, there will ſtill remain troops ſufficient for garriſons, and a very great army for the expedition, and more than can be ſubſiſted. Theſe are the arguments they make uſe of, both to the envoy of Holland and to my ſelf. We ſtill perſiſt to perſuade them to lay aſide this expedition for the preſent. What they will do, time muſt ſhew; for nothing is certain here, as your lordſhip cannot but know very well.

The earl of Manchester to the earl of Sunderland.

Vienna, May 7, 1707.

Here are no letters from England by the Dutch poſt; but the orders, the envoy of Holland has received, continue the ſame in relation to the expedition of Naples, which, they continue to ſay, cannot fail to ſucceed, all things being prepared there for a general revolution, and that, if they ſhould not go, they would expoſe all their friends. Here are ſome perſons of quality of Naples, to whom they give penſions. Theſe are to go with the troops, but I do not find as yet, that they have any orders. The arguments here are ſtill, that the duke of Savoy does not propoſe for this expedition more than thirty-five thouſand men; That there will be left a great body of men, after what is intended is executed: That they are very much ſurprized at our being ſo much againſt this expedition; but they give me to underſtand, that they know from whence all this comes: That there may be a particular view in a certain prince, that the duke of Anjou ſhould have Naples at a general peace. They are very well ſatisfied by what I have ſaid, that this can never be the intention of England, or that they can ever agree to it: I muſt confeſs, that, by all the informations I can get, I cannot ſee, but there will be ſeventy thouſand men in Italy; and if the detachment to Naples ſhould amount to ten thouſand men, and the garriſons in Lombardy to ten thouſand more, there will ſtill remain a very great army. Where there is to be apprehended any that there are not thoſe many

or, if that failed, they had ſome ſhips and gallies, in which they might hope to eſcape. The imperialiſts took poſſeſſion of 1707.

zines prepared, as, in caſe this court is to do it, are neceſſary.

The earl of Mancheſter to the earl of Sunderland.

Vienna, May 11, 1707.

I believe you will have received, before this comes to your lordſhip, the certainty of the detachment's going to Naples. It conſiſts of five regiments of foot, and five of horſe, which, though not compleat, will amount to ten thouſand men, as you will ſee by the incloſed. They are at preſent in the Modeneſe; and, about the 16th inſtant, they begin their march to Naples I have done all I could to perſuade them to defer it. Their arguments are ſtill the ſame; only they ſay farther, that prince Eugene has wrote to England to ſatisfy the queen, that it will not prejudice the great deſign againſt France. They have all often repeated, and do ſtill promiſe, that there ſhall not be a man more ſent, let the ſucceſs be what it will, till they ſee the event of the other expedition, which, as I can perceive, they have no great opinion of, tho' they agree, that it ought to be attempted.

The earl of Sunderland to the earl of Mancheſter.

Whitehall, May 6, 1707.

I have the honour of your lordſhip's letters of the 27th and 30th of April, N. S. and am very glad to find you have ſome hopes, that that court will lay aſide their thoughts of the expedition to Naples. It was always very unſeaſonable, but particularly ſo now, ſince our great misfortune in Spain.—Upon theſe accounts her majeſty would have your lordſhip inſiſt, in the ſtrongeſt manner poſſible, againſt this expedition to Naples, as that, which will very much obſtruct, if not totally defeat the main deſign of entering France by Dauphiné or Provence, which ſeems to be the only means of bringing France to reaſon, and retrieving our misfortune in Spain.

Mr. ſecretary Harley to the earl of Mancheſter.

May $\frac{6}{17}$, 1707.

I received this morning the honour of your excellency's letter of April 30. I am heartily glad your excellency has had ſo much ſucceſs, as to ſhake that court from their ſpeculative expedition againſt Naples. But I am very ſorry, that the misfortune of our army in Spain is an irreſiſtible argument to lay aſide wholly that project. The accounts we have of this diſaſter are only got from France; yet they bring too many marks of truth not to be credited ſo far, as that we have received a very great loſs there. The queen has done all that is poſſible on the ſudden event, and in this great uncertainty. Orders are gone this night to encourage the king of Portugal to keep firm to the alliance; and likewiſe to Holland, to conſult with them the beſt way to recover the blow. But all will be

1707. of Naples, where they were received with great rejoicing. But their ill conduct quickly moderated that joy, and very much

be to no purpoſe, unleſs the emperor will exert himſelf upon this occaſion, not only to lay aſide the expedition to Naples, to puſh vigorouſly into France, but alſo to act offenſively upon the Rhine. Theſe are points which the queen hath ſo much at heart, that her majeſty hath wrote to the emperor with her own hand, which I incloſe herewith to your excellency, that you may pleaſe to deliver it with all poſſible ſpeed; and that you may be better apprized of it, I incloſe alſo a copy for your own peruſal. Your excellency will enforce it with ſuch arguments, as you will find, according to your great ſagacity, may beſt incline his Imperial majeſty to comply with ſo reaſonable a deſire; and you will be pleaſed alſo to preſs the emperor to ſend his brother the king of Spain ſome troops. Without that, it will be hard for her majeſty to prevail with the States-General to join with her in ſending more troops.

The queen to the emperor.

SIR, my brother,

The advantage, which the enemy has now obtained in Spain, might have ſuch diſmal conſequences, that I could not forbear to tell you, that it is of the utmoſt importance, that all your troops, that are in Italy, ſhould be employed to make an invaſion in France; and that, at the ſame time, the army in the empire ſhould act with vigour on the Rhine. Spain is ſo far from the countries, in which my troops, and thoſe of the States-General, are, that there is no remedy ſo quick nor ſo powerful, as that of making this invaſion. Your majeſty is too well informed, to amuſe yourſelf with a little expedition for ſome member or dependency of that kindgdom, when the noble and principal parts of the monarchy in queſtion, the honour and welfare of my brother the catholic king, and in his perſon the dignity of the auguſt houſe of Auſtria, are concerned. I promiſe myſelf therefore from your prudence, that you will think only on the re-eſtabliſhment of the affairs of that prince, by obliging his enemies to recall their troops for the defence of their own dominions.

I am,
Your majeſty's
moſt affectionate ſiſter,
Kenſington, May 6, 1707. ANNE R.

The duke of Marlborough to the earl of Mancheſter.

Bruſſels, May 17, 1707.

I did not receive the honour of your excellency's letter of the 27th of laſt month, till my return from Saxony to the Hague, where I made ſo ſhort a ſtay, that I hope you will excuſe my not anſwering it ſooner. I have ſeen by other letters from Vienna of later date, how obſtinately they purſue the expedition againſt Naples, notwithſtanding all the repreſentations, that have been made to diſſuade

much diſpoſed the Neapolitans to a ſecond revolt; but, upon applications made to their courts of Vienna and Barcelona, 1707.

ſuade them from it. A jealous humour prevails ſo much at that court, that they will not ſeriouſly weigh and conſider their own intereſt, ſo that the beſt arguments are thrown away. I expect ſoon to hear, whether our misfortune in Spain has made ſuch impreſſion, as it ought, with them.

The earl of Mancheſter received on the 18th of May, 1707, a note from Mr. Hemel Bruyninx, envoy from the States-general at Vienna, to let his excellency know, that he had received from the prince of Salms an extract of a letter, wherein it was ſaid, among other things, that the detachment for Naples was great enough to maintain a ſuperiority, which the envoy ſaid, would by no means pleaſe his maſters at the Hague. 'It was then 'pretty plain, ſays Mr. Cole, 'that the Germans had no 'great deſire for Spain, but 'wanted only Italy; and that 'they had not the expectation of 'Toulon at heart, fearing the 'aggrandizing the duke of Savoy, whilſt they ſpread reports, as if that prince was 'not to be truſted, and prepared to lay the blame on 'him, if, according to their 'wiſh, the expedition ſhould 'not ſucceed.'

The earl of Mancheſter to the lord-treaſurer Godolphin.

Vienna, May 18, 1707.

I was unwilling to leave this place without acquainting your lordſhip with the ſituation of affairs here, where there are ſo many miniſters, each oppoſing the other, that every thing, how reaſonable ſoever the matter is, meets with delays, and ſometimes fatal ones. This has made the emperor fling himſelf more than ever entirely into the hands of the prince of Salms, who is ſo troubled with the gout, that the emperor comes to him. The whole buſineſs of the reſt is to bring their own deſigns about through his means. I do not find one of them, but what was extremely bent on the expedition to Naples, and ſpeaking very doubtfully of that of France, and of the difficulties it would meet with; not but what they all agree, it ought to be attempted; and the emperor did aſſure me he had given the neceſſary orders to prince Eugene. I find, that the ſubſiſting of this army is ſtill one of the arguments againſt that expedition, which makes me fear, that they do not intend, or cannot contribute much towards it.

The earl of Sunderland to the earl of Mancheſter.

Whitehall, May 9, 1707, O. S.

I have the honour of your lordſhip's from Vienna of the 4th of May, N. S. and I am ſorry to find that court continues ſo obſtinate in their wrong meaſures; but I will ſtill hope, that the news of the fatal blow we have had in Spain, will bring them

1707. lona, the exceſſes of the Imperialiſts, who carried the raven-
ous diſpoſition with them wherever they went, were ſome-
what

them to their ſenſes, ſo as not to divert their arms from the only part, where we may hope to retrieve that misfortune; at leaſt they muſt never hope to have the queen's conſent to it; and this your lordſhip will let them know in the ſtrongeſt manner, if you are yet there.

The Dutch envoy to the earl of Mancheſter.

Vienna, May 28, 1707.

I hope, that this will find your excellency happily arrived at Turin. The count of Rechteren arrived here the 25th inſtant; and though we have, according to our orders newly received from their high mightineſſes, again oppoſed the expedition of Naples, and even proteſted againſt the bad conſequences, which it may have, eſpecially after the melancholy news of a defeat in Spain; we have not been able to obtain, that this expedition be countermanded; theſe miniſters make uſe of the ſame reaſons, which they alledged, when your excellency was here; which makes me wiſh the more to hear from your excellency, how you have found things in Italy; and if the conjectures of this court are true in their utmoſt extent; and, above all, whether there be ſo many troops, as they perſuade themſelves here; whether they apply themſelves with vigour to the expedition againſt France; whether they be ready, and agreed in regard to the magazines; when the paſſage of the mountains will be practicable; and whether the expedition to Naples will cauſe no prejudice to the other. They had even given out, on the part of this court, in England and Holland, that your excellency was entirely come into the ſame ſentiments with them in this affair, which their Highmightineſſes can ſcarce believe, whilſt they have ſeen the contrary in my advices; and I do again this day juſtice to your excellency upon that in writing to my maſters.

The earl of Mancheſter to the earl of Sunderland.

Turin, June 8, 1707.

The envoy of Spain preſſes for five thouſand men to be ſent to Spain; but ſince the detachment for Naples does proceed according to the poſitive order from the court of Vienna to prince Eugene, I cannot ſee, that any can be ſpared from this ſide; neither do I think, that they will be inclined to ſend their troops, unleſs it be from Naples, if they ſucceed, as they imagine they ſhall. I received here your lordſhip's of May 6, O. S. as alſo one of the ſame date from Mr. ſecretary Harley. I am ſatisfied, that, had I been at Vienna, nothing could have prevailed with them to alter their deſign of Naples. The duke of Savoy is not in the leaſt pleaſed with the Imperial court, of which I ſhall ſoon acquaint you more fully.

what corrected, ſo that they became more tolerable (1). As ſoon as a government could be ſettled at Naples, they undertook the ſiege of Gaeta, which went on at firſt very ſlowly; ſo that thoſe within ſeemed to apprehend nothing ſo much as the want of proviſions, upon which they ſent the few ſhips they had to Sicily, to bring them ſupplies. When theſe were ſent away, the Imperialiſts, knowing what a rich booty was lodged in the place, preſſed it very hard, and, in concluſion, took it by ſtorm, and ſo were maſters of all the wealth that was in it. The garriſon retired into the caſtle, but they were ſoon after forced to ſurrender, and were all made priſoners of war. It was propoſed to follow this ſucceſs, with an attempt upon Sicily; but it was not eaſy to ſupply Naples with bread; nor was the Engliſh fleet at liberty to aſſiſt them; for they were ordered to lie on the coaſt of Spain, and to wait there for orders; which, when they arrived, required them to carry the marquis das Minas, and the earl of Galway, with the forces of Portugal, to Liſbon: The thoughts of attempting Sicily were therefore laid aſide for this time; though the Sicilians were known to be in a very good diſpoſition to entertain it. A ſmall force was ſent from Naples to ſeize on thoſe places, which lay on the coaſt of Tuſcany, and belonged to the crown of Spain; ſome of which were ſoon taken; but Porto Longone and Port Hercole made a better reſiſtance. 1707.

In

(1) The earl of Mancheſter, in a letter to the earl of Sunderland, dated at Venice, Auguſt 19, 1707, writes thus: 'I fear 'the Germans begin to make 'the moſt of the kingdom of 'Naples. They laid a duty 'on fruit and herbs, which ſo 'incenſed the people at Naples, 'that there has been a tumult, 'which might have had worſe 'conſequences, but was pre-'vented by revoking it.' And Mr. Cardonnel, in a letter to Mr. Cole from the camp at Helchin, dated October 2, 1707, and printed in the memoirs of the latter, has theſe words: 'It 'looks as if the Germans were 'reſolved to ruin the kingdom 'of Naples, as they have done 'the electorate of Bavaria; 'but in all likelihood they may 'repent it, when it is too late. 'It is a miſerable council go-'verns that court of Vienna! 'In the mean time we are ſuf-'ferers; for, inſtead of aſſiſting 'the king of Spain, as the re-'venues of Milan and Naples 'ought certainly to do, they 'do not ſtick to ſay, it is none 'of their concern; and that 'we muſt carry on the war in 'Spain for our own intereſt. 'God preſerve us hereafter 'from ſuch allies.'

1707. In the month of June, the deſign upon Toulon began to appear. The queen and the States general ſent a ſtrong fleet thither, commanded by Sir Cloudeſly Shovel. Prince Eugene had the command of the imperial army, which was to ſecond the duke of Savoy in this undertaking, upon the the ſucceſs of which the final concluſion of the war depended. The army was not ſo ſtrong, as it was intended it ſhould have been, on account of the detachment, which was ſent to Naples, and the ſtopping in Germany of eight or ten thouſand recruits, that had been promiſed to be ſent to reinforce prince Eugene; for the emperor was under ſuch apprehenſions of a rupture with Sweden, that he pretended it was abſolutely neceſſary, for his own ſafety, to keep a good force at home. Prince Eugene had likewiſe orders not to expoſe his troops too much; by which means they were the leſs ſerviceable (1). Notwithſtanding theſe diſappointments, the duke of Savoy, after he had for ſome weeks covered his true deſign by a feint upon Dauphiné, by which he drew moſt of the French troops to that ſide; as ſoon as he heard, that the confederate fleet was come upon the coaſt, he made a quick march through ways, that were thought impracticable, to the river Var, where the French had caſt up ſuch works, that it was reckoned theſe muſt have ſtopped his paſſing the river; and they would have done it effectually, if ſome ſhips had not been ſent in from the fleet into the mouth of the river, to attack theſe works, where there was no defence, becauſe no attack from that ſide was apprehended. By this means the works were abandoned, and ſo the paſſage over the river was free.

The deſign upon Toulon fails.

July 11.

Upon this the duke of Savoy entered Provence, and made all the haſte he could towards Toulon. The artillery and

(1) Mr. Cole informs us in his memoirs, page 457, that the earl of Mancheſter told him, That he had been with the duke of Savoy, when prince Eugene made many difficulties about the expedition againſt Toulon, and the duke of Savoy anſwered them all. When prince Eugene was gone, his royal highneſs aſked my lord Mancheſter, what he thought now of prince Eugene? His excellency anſwer'd, that he was ſorry to hear him make ſo many difficulties. Then the duke ſaid, I will tell you, my lord, what I think of him and all the Germans: I believe they have no great mind to take Toulon, and their whole mind is ſet on Italy. But his excellency attributed this to the warmth of that prince, and believed prince Eugene would do his b[illegible]

and ammunition were on board the fleet, and were to be landed near the place, ſo the march of the army was as little encumbered as was poſſible; yet it was impoſſible to advance with much haſte in an enemy's country, where the proviſions were either deſtroyed, or carried into fortified places, which, though they might have eaſily been taken, yet no time was to be loſt in executing the great deſign; ſo this retarded the march for ſome days: Yet, in concluſion, they came before the place, and were quickly maſters of ſome of the eminencies, that commanded it. At their firſt coming, they might have poſſeſſed themſelves of another called St. Anne's Hill, if prince Eugene had executed the duke of Savoy's orders: He did it not, which raiſed a high diſcontent; but he excuſed himſelf, by ſhewing the orders he had received, not to expoſe the emperor's troops (1). Some days were loſt by the roughneſs of the ſea, which hindered the ſhips from landing the artillery and ammunition. In the mean while, the troops of France were ordered to march from all parts to Toulon: The garriſon within was very ſtrong; the forces that were on their march to Spain, to proſecute the victory of Almanza, were countermanded; and ſo great a part of Villars's army was called away, that he could not make any further progreſs in Germany. So that a great force was, from all hands, marching to raiſe this ſiege; and it was declared, in the court of France, that the duke of Burgundy would go and lead on the army. The duke of Savoy loſt no time, but continued cannonading the place, while the fleet came up to bombard it: They attacked the two forts, that commanded the entrance 1707.

(1) On the 3d of Auguſt, Mr. J. Chetwynd, wrote the following letter from the camp there to the earl of Mancheſter, printed in Coll's memoirs, p. 465: The ſituation of affairs here is ſomewhat changed ſince my laſt, but not ſo much as I could wiſh, or indeed as I did expect. This is the 9th day that our army has been before Toulon; and all that we have done has been to oblige the enemies to quit us ſome ſmall poſts, where we deſign to make our batteries; but their camp before the town is in the ſame place where it was when we came, though moſt people will have it, that they might eaſily have been forced away. I do not know, my lord, what is the meaning of it, but things do not go as they ought to do. Of our great men, I only find his royal highneſs hearty. I fear, if we do not make better haſte, that we ſhall paſs our time but ill, ſince we are informed, that the enemies are gathering together from all parts to drive us from hence.

1707. trance into the mole with such fury, that they made themselves masters of them; but one of them was afterwards blown up. Those within the town were not idle: They sunk some ships, in the entrance into the mole, and fired furiously at the fleet, but did them little harm: They beat the duke of Savoy out of one of his most important posts, which was long defended by a gallant prince of Saxe-Gotha; who, not being supported in time, was cut to pieces. This post was afterwards regained, and the fleet continued for some days to bombard the place, with so good success, that a great number of houses were destroyed, several magazines blown up, and eight men of war either burnt or rendered unserviceable (2). But, in the end, the duke of Savoy, whose strength had never been above thirty thousand men, seeing so great a force marching towards him, who might intercept his passage, and so destroy his whole army, and there being no hope of carrying the place, found it necessary to march home in time. Accordingly, having ordered all the artillery, and the sick and wounded to be embarked, he decamped in the night, retiring in very good order the same way he came, without being the least insulted by the enemy (3). After his return into Piedmont, he

(2) Namely, Le Triumphant of eighty-two guns; Le Sceptre, ninety; Le Vainqueur, eighty-six; Le Neptune, seventy-six; L'Invincible, seventy; Le Serieux, sixty; Le Laurier, sixty; and Le Sage, fifty-four.

(3) The progress of the siege will appear from the following journal of Mr. Chetwynd, dated at the camp at la Valetta, August 20, 1707, and printed in Mr. Cole's memoirs, p. 470:

The 14th, My last to you was this day, since when I hear, that some deserters from Toulon bring word, that the enemies have given out powder and ball to every soldier; upon which orders are now given to reinforce the guard upon the left of our line with three battalions, the right having already a reserve of four battalions ordered for some days before. The 15th, the enemies, as the deserters had reported, marched all night to gain the hill above our camp upon our right, and that with so much diligence and secrecy, that they seized on our advanced guards, and began their true attack on our right by break of day, after having made their signal for the attack by firing three guns, making at the same time a false attack on our left. Our troops on the right received the enemies very well at first; but being over-powered by their superiority, and the situation of the ground being such, that the reserve could not immediately come up, they were obliged to give way, and retire to their other

he concluded the campaign on that ſide, with the recovery of his important place of Suza, which the French had left unprovided, 1707.

other poſts on the right, which they did in very good order, till the prince of Saxe-Gotha, who was general of the day, was killed; and this, tho' they were expoſed to the fire of the place, and of three ſhips, which did not ceaſe firing during the whole action. The enemies endeavoured to puſh their good fortune farther; but, after a diſpute of about two hours, at a little caſine in the middle of our communication, they were obliged to ſtop in the poſt of St. Catharine, for fear the troops, which his royal highneſs and prince Eugene, who arrived a little after the action was begun, had ordered to march to the top of the hills, ſhould cut off their retreat to the camp; which they had great reaſon to apprehend, ſince they could not but perceive our whole army in motion, which our generals had ordered ſo, in view of a general action, upon the news we had received the day before, that the enemies had above ſixty battalions in their camp. But things went no further, and toward the evening the enemies abandoned all they had taken, after having ſet fire to our batteries, and ruined all the works we had made on the right.——A detachment of horſe we had in the valley of Ardennes on the right of our camp, with a ſmall body of foot, was attacked by the enemies at the ſame time, but came off without any loſs, Colonel Pheffercorn, who commanded them, having been killed the day before, as he went to reconnoitre the enemy. We do not know the loſs of the enemy in the attacks of our works, on the right, but to judge by our own loſs, and the reſiſtance our troops made at firſt, methinks it cannot be leſs than two thouſand or fifteen hundred men. We had between five and ſix hundred men killed, wounded, or taken priſoners. Beſides the prince of Saxe-Gotha, we had a lieutenant colonel of the Heſſians, a major of the Palatines, with ſeveral captains and under-officers killed; general Efelt, a Palatine brigadier, with ſeveral under-officers, wounded; a Piedmonteſe, and a Saxe-Gotha colonel, taken priſoners, with one or two captains; beſides which, we loſt two ſmall field-pieces, which our gunner had forgot to carry off from the poſt of St. Catharine. At night we began to bombard the town with ſix mortars, which immediately ſet fire in two places. This evening the fort St. Margarite, the outermoſt near to the ſea, ſurrendered at diſcretion. The garriſon was compoſed of a lieutenant-colonel, and three other officers, with one hundred and thirty ſoldiers. We found in the place ſome proviſions, and fourteen pieces of iron cannon, four of which were forty-eight pounders. By the reddition of this caſtle our ſhips can come near the ſhore, and the artillery, &c. which was landed at Hieres, may be reimbarked here with much more eaſe, which was ordered to be done

1707. unprovided, and which ſurrendered to him at diſcretion; by which means he ſhut up that inlet into his own dominions, and opened himſelf a free paſſage into Dauphiné.

Oct. 4. N. S.

Thus

to-morrow, the ſiege of Toulon not being practicable, becauſe of the reinforcements the enemies have received ſince we are here, and by reaſon of the works they have had time to make. The 16th our batteries on the left continued to play againſt the town and ſhips, as alſo againſt fort Louis, where the breach is near made. Our bombardiers flung ſeveral bombs laſt night, and all this day, into the town with very good ſucceſs; but no ſhip has yet been touched, as we know of. We continue to embark our artillery, &c. The admiral commanded ſhips to attack fort Louis, but the wind was ſo ſtrong, that our ſhips could do little ſervice. However they lay ſo near, that one of our ſhips had thirty men killed or wounded. This day the wind blew ſo hard, that the Royal Anne loſt one of her maſts, was drove from her anchor, and ran foul upon a Dutch man of war, who was ſomewhat damaged. The 17th drummers and trumpeters were ſent to and from Toulon, to enquire after ſeveral officers and ſoldiers; and the enemies did deſire to exchange their priſoners made at St. Margarite, to which his royal highneſs and prince Eugene do conſent. The 18th the greateſt part of the artillery, which is not on batteries, and almoſt all the powder, balls, &c. are re-imbarked. Our bombs deſtroy the town of Toulon very much; but none have yet been flung into the baſin among the ſhips. The breach of fort Louis is practicable, and orders will be given to attack it to-night. All our ſick and wounded are ordered to Hieres, where they are to be embarked to be carried to Nice, Oneglia, and Final. The 19th, laſt night we took the fort St. Louis, the enemies having abandoned it, as our grenadiers mounted the breach. By the fall of this place, I believe our bomb-veſſels may come to bombard the town and ſhips, which is the only hurt we can now pretend to do here.

Mr. Chetwynd likewiſe, in a letter to the earl of Mancheſter, dated Auguſt 20, writes thus: All things have been ſo managed with us, that I had not ſpirit nor courage enough to write to you, knowing how much you had the good ſucceſs of our deſigns at heart. Our ſcene is not yet finiſhed, for we are to ſteal away as we can, and as ſoon as we can. Now every thing is in the greateſt confuſion, and I fear will continue ſo till we are got on the other ſide of the Var.

Sir Cloudeſly Shovel wrote the following letter to the earl of Mancheſter, dated on board the Aſſociation before Toulon, Auguſt, 1707.

My lord,

After all the hope we had entertained of ſucceſs in our enterpriſe on Toulon, the enemy, on the 17th inſtant, made a vigorous ſally with a great number

7

Thus ended the expedition into Provence, on which the eyes of all Europe were fixed, and which failed in the execution, chiefly by the emperor's means (1). England and the

1707.

Remark on the expedition into provence.

ber of troops, and attacked our works, and took great part of them, and kept them all that day, and deſtroyed what they had poſſeſſion of, and drew off four or five of our cannon into the Town. The killed and wounded on our ſide is ſaid to be about one thouſand, and among the ſlain is the prince of Saxe-Gotha; and ſince that time it has not been thought proper to carry on the ſiege; the enemies, as our army ſay, growing every day more numerous, and our troops continually deſerting. And the $\frac{6}{17}$th his royal highneſs the duke of Savoy ſent to me to imbark the ſick and wounded, and to take off the cannon, mortars, ammunition, proviſions, &c. in order to raiſe the ſiege, which is now only a cannonading and bombardment, and we are getting every thing a-board, his royal highneſs having informed me, he deſigns to decamp with the army to-morrow morning. Before the enemies had made this ſally, and deſtroyed our works, they were ſo frightened, that they ſunk twenty of their ſhips; ten of them or more we reckon to be three-deck-ſhips; and we believe ſome of them can never be recovered. The duke has deſired me to accompany him back with the fleet, which I deſign to do as far as the Var.

P. S. Auguſt $\frac{17}{27}$, about ten in the morning.

Our ſea-bombs laſt night fired very briſkly, and beyond any expectation about midnight ſet the town on fire, which burnt very furiouſly all night, and is not yet extinguiſhed, and, in the opinion of every body here, it is ſomewhat more than dwelling houſes, that are on fire, we ſuppoſe ſtore-houſes. We cannot ſee the town or baſin by reaſon of a hill between us. Our army being decamped, they have brought guns and mortars againſt our bomb veſſels, and have obliged them to come off, being pretty much ſhattered by the enemy's ſhot.

Mr. Chetwynd concludes his account of the ſiege in a letter to the earl of Mancheſter, dated from the camp at Sealim, September 16, 1707, with theſe words:

The difficulties we met with at Toulon were very great, but they were made much more ſo by the indolence and ill-will of ſome of our generals. If we had puſhed upon our arrival, there was a very great probability of ſucceſs; but, as things went, it was almoſt impracticable to do any good three or four days after our arrival; and I do not know the reaſons, why we did not then ſet to bombarding the town and ſhips, inſtead of amuſing ourſelves about what we were ſure could do us no good.

(1) Dr. Swift, in his conduct of the allies and of the late miniſtry, p. 27. fifth edition, aſ-

1707. the States-General performed all that was expected of them; nor was the duke of Savoy wanting on his part, though many ſuſpected him as backward, or at leaſt cold in the undertaking. But though this great deſign failed in the

ſerts, That one inſtance of the emperor's indifference, or rather diſlike of the common cauſe, was the buſineſs of Toulon; his deſign, ſays he, was indeed diſcovered here at home by a perſon, who every body knows to be the creature of a certain great man, at leaſt as much noted for his ſkill in gaming as in politics, upon the baſe mercenary end of getting money by wagers, which was then ſo common a practice, that I remember a gentleman in employment, who, having the curioſity to enquire how wagers went upon the Exchange, found ſome people deep in the ſecret, to have been concerned in that kind of traffic, as appeared by premiums named for towns, which no body but thoſe behind the curtain could ſuſpect. However, although this project had gotten wind by ſo ſcandalous a proceeding, yet Toulon might probably have been taken, if the emperor had not thought fit, in that very juncture, to detach twelve or fifteen thouſand men to ſeize Naples, as an enterprize that was more his private and immediate intereſt. But it was manifeſt, that his imperial majeſty had no mind to ſee Toulon in poſſeſſion of the allies; for even with theſe diſcouragements, the attempt might have yet ſucceeded, if prince Eugene had not thought fit to oppoſe it, which cannot be imputed to his own judgment, but to ſome politic reaſons of his court. The duke of Savoy was for attacking the enemy as ſoon as our army arrived; but, when the marſhal de Theſſe's troops were all come up, to pretend to beſiege the place, in the condition we were at that time, was a farce and a jeſt. Had Toulon fallen then into our hands, the maritime power of France would in a great meaſure have been deſtroyed.

But Dr. Hare, in his piece, intitled, The Allies and the late miniſtry defended againſt France, and the preſent friends of France, part III. p. 13, gives a particular anſwer to this paſſage of Dr. Swift, and obſerves, That every propoſition advanced by him is falſe in whole, or in part. Firſt, he tells us the deſign was diſcovered here by a creature of a certain great man laying wagers about the taking of it. This is a very odd preamble to a proof, that Toulon was loſt by the emperor's fault, to tell us what probably it was not; the deſign was diſcovered here. But theſe inconſiſtencies are nothing with this writer, if he can but bring in one or two certain great men, whoſe reputation ſtands cruelly in his way, and will do ſo, let him employ never ſo many pens to blacken them. Now, in anſwer to this, I affirm, that this deſign was not diſcovered by the creature of this great man but by the clerk of another great man, who was then ſecretary of ſtate [illegible] to go on; our author argues, that the emperor had no mind Toulon ſhould be taken, because

the main point, it proved of great ſervice to the allies, and was attended with many good conſequences, which, perhaps, ought to balance the expence: For, beſides the great damage, which the French ſuſtained in their ſhipping; the blowing 1707.

cauſe he detached twelve thouſand men to ſeize Naples, as he ingeniouſly expreſſes it. That the emperor did, at that time, make an expedition to Naples, is true; but was it, becauſe he had no mind Toulon ſhould be taken? No, it was becauſe thoſe who would make a ſcandalous peace now, were attempting the ſame thing then; and he was afraid, the intereſt of his family in Italy would have been ſacrificed to other views. This was the true reaſon of that expedition, and this writer knows it was, which makes his virulence and malice the more unpardonable. As things were managed, it is plain, there was a want of troops. But, when the emperor was preſſed to put off that expedition, he did not want an anſwer. He told them, that without thoſe twelve thouſand men, they had as many, as they had before deſired; and indeed as many, as would be able to find ſubſiſtence, and that more would be but a burden to them. That, while they were employed in the reduction of Toulon, the other troops ſhould, by great marches, haſten to Naples, and then return to join them for any further ſervices. But, it is manifeſt, ſays our author, that the emperor had no mind we ſhould take Toulon, becauſe the attempt might have ſucceeded, if prince Eugene had not thought fit to oppoſe it. This is falſe again. The duke of Savoy had the chief command in that expedition, and not prince Eugene. What was the true reaſon they delayed ſo long the beginning of that march, I cannot pretend to ſay, but, when they had paſſed the Var, I deſire this author would tell us, who it was, that propoſed the holding a council of war on board the fleet, and did hold one, to conſider, whether they ſhould proceed directly to Toulon, or beſiege Antibes? A man muſt be a very ill judge in affairs, that could not from that ſtep ſee, what was likely to come of the expedition. Again, to clear up this affair, I would fain know, who governed the motions of the army, till they came before the place; for it is incredible, how ſo ſmall an army could be ſo many days making ſo ſhort a march. And, if they had advanced with half the ſpeed that they retired, it is certain they might have inveſted the place, before the works the enemy were making would have been finiſhed, and before any conſiderable number of the enemy's troops were arrived. But the ſlowneſs of our motions made our arrival too late in both theſe reſpects. And the enemy's troops were in poſſeſſion of the high ground about the place, before we came in ſight of it. And therefore, if the duke of Savoy did not ſeem willing to attack the enemy, that is not very

1707. blowing up of ſeveral magazines; the burning of above one hundred and ſixty houſes in Toulon; and the devaſtations committed in Provence by both armies, to the value of thirty millions of French livres; this enterprize, which had ſtruck a greater terror throughout all France, than had been known there during the whole reign of Lewis XIV. brought this further advantage to the common cauſe, that it gave great diverſion to the enemy's forces, whereby their army in Germany was weakened; the duke of Orleans's progreſs after the battle of Almanza retarded in Spain; the ſuccouring of Naples prevented; and the conqueſts of the allies in Italy ſecured.

Admiral

very hard to account for; nor might it be any fault in prince Eugene, that he did not think it reaſonable. But, beſides, there was particular reaſon at that time to think, the prince might have ſtrict orders from Vienna, to be very cautious how he expoſed that body of troops; and that was the neighbourhood of the king of Sweden, who was pleaſed to pick many quarrels with the emperor; and no body could tell where his demands would ſtop, or what would ſatisfy him. This gave very great umbrage to the imperial court; and, had they loſt that body of troops before Toulon, they had reaſon to fear they ſhould ſoon feel the want of them. This was certainly a good reaſon for not venturing a battle to diſadvantage, where the leaſt misfortune would have been the ruin of them all. But, had that expedition either begun ten days ſooner, or the march from the Var had been made in leſs time, the deſign would have ſucceeded without the hazard of a battle. There is more might be ſaid upon this ſubject; but I am not in ſo much haſte to diſcover ſome truths, as our author is to tell the moſt pernicious lyes. Upon this inſtance then I muſt obſerve, 1. That the expedition to Naples was not the effect of any diſregard to the allies, but of ſelf-preſervation. 2. That prince Eugene's declining a battle was not the cauſe of our ill ſucceſs againſt Toulon. 3. That it is no way chargeable on the late miniſtry, who formed the deſign with the greateſt ſecrecy, and made the moſt effectual preparations for it, and did all they could to put off the expedition to Naples, and remove every difficulty, that might hinder the ſucceſs of it. And, laſtly, That it was not diſcovered firſt by any creature of the late miniſtry, nor had France any ſuſpicion, till the expedition was actually begun, as any one may ſee, that will look back into the hiſtory of that affair. Dr. Hare, in the poſtſcript to the fourth part of the allies and the late miniſtry defended, p. 78, 79, obſerves, That in the paſſage above-cited, where he mentions, That the deſign on Toulon was diſcovered by the clerk of a great man, who was then ſecretary of ſtate,

Admiral Shovel, who was not a little chagrin'd at the miſcarriage of an expedition, upon which he had ſet his heart; having aſſigned Sir Thomas Dilkes a ſquadron of thirteen ſail for the Mediterranean ſervice, ſailed from Gibraltar with the reſt of the fleet, containing fifteen men of war of the line, five of a leſs rank, and one yacht (a). On the 1707. Sir Cloudeſly Shovel drowned. Oct. 22. Hiſt. of Europe.

ſtate, he did not mean Gregg, who was afterwards hanged, but another perſon then alive; nor did he mean a direct diſcovery made to France, but ſuch a one, as was occaſioned by laying wagers; a folly, which the perſon hinted at has paid dearly for.

A late writer pretends to have diſcovered the ſecret ſprings of raiſing the ſiege of Toulon, and the peaceable retreat of the duke of Savoy's army. 'France (ſays he) perceiving the loſs of Toulon would be a mortal blow, ordered Buzenval (her miniſter to the king of Sweden, then in Saxony) to try to engage that victorious prince to declare againſt the emperor. Count Monaſterols, the Bavarian miniſter, had the ſame orders. Theſe two miniſters gained count Piper, who had a great aſcendant over his maſter. The king of Sweden, who had given repeated aſſurances not to undertake any thing againſt the allies, was very much embarraſſed. He fought a quarrel with the emperor, and to that end made exorbitant demands, accompanied with threatnings to invade Sileſia and Bohemia. The emperor laid the ſtorm by agreeing to all his demands. Whilſt the treaty was negotiating, the ſiege of Toulon was undertaken. The king of Sweden, who wiſhed to hinder the loſs of that place, cauſed it to be inſinuated with great ſecrecy to the duke of Savoy, not to perſiſt in the ſiege of Toulon, becauſe, if it was taken, he ſhould be obliged to invade the emperor's hereditary dominions. The duke of Savoy, who had a great penetration and foreſight, reflected, that the king of Sweden was ſtedfaſt in his reſolutions, and that his ſucceſſes had given him that ſtedfaſtneſs; that, after all, the matter was only the taking of a town, which perhaps it would be difficult to keep, and would be demoliſhed. Theſe weighty conſiderations induced the duke, by an unparallel'd generoſity, to prefer the intereſts of the common cauſe to the advantage of taking Toulon. Hence the ſecret reaſon of raiſing the ſiege.' This circumſtance is ſaid to be warranted by the duke himſelf, who was pleaſed to declare it to ſome perſons of diſtinction. French continuation of Rapin, Vol. II. 172.

(a) Namely, the Aſſociation, admiral.
The Royal Anne, Sir George Byng, commander.
St. George, lord Durſley.
Somerſet, captain John Price.
Torbay, Sir John Norris.
Eagle, captain Hancock.
Monmouth, captain Baker.
Swiftſure, captain Hubbart.
Orford, captain Cornwall.
Rye, captain Vernon.
Lenox, Sir William Jumper.

La

1707. the 22d of October, he had ninety fathom water in the Soundings, and brought the fleet to, and lay by from twelve till about six in the afternoon, the weather being hazy; but then, the wind coming up fresh at south south-west, he made the signal for sailing. The fleet steered east by north, supposing they had the channel open, when some of the ships were upon the rocks to the westward of Scilly, before they were aware, about eight of the clock at night, and made a signal of distress. The Association, in which Sir Cloudesly was, struck upon the rocks, called, The Bishop and his Clerks, and was lost, with all the men in it; as were also the Eagle and the Romney. The Firebrand was likewise dashed on the rocks, and foundered; but the captain and four and twenty of his men saved themselves in the boat. Captain Sansom, who commanded the Phœnix, being driven on the rocks within the island, saved all his men, but was forced to run his ship ashore. The Royal Anne was saved by a great presence of mind, both in Sir George Byng, and his officers and men, who, in a minute's time, set her top-sails, one of the rocks not being a ship's length to the leeward of her, and the other, on which Sir Cloudesly Shovel was lost, as near as in a breach of the sea. Nor had the lord Dursley, commander of the St. George, a less strange escape; for his ship was dashed on the same ridge of rocks with the Association, and the same wave, which he saw beat out all Sir Cloudesly Shovel's lights, set his own ship a-float. Sir Cloudesly Shovel's body being, the next day after this misfortune, taken up by some country-fellows, was stripped and buried in the sand; but, on inquiry made by the boats of the Salisbury and Antelope, it was discovered where he was hid; from whence being taken out, and brought on-board the Salisbury into Plymouth on the 28th of October, it was afterwards carried to London, and decently interred in Westminster-abbey, where a monument was erected in honour of the admiral, who was one of the greatest sea-commanders of that, or any other age; of undaunted courage and resolution, and, at the same time, eminent for his generosity, frankness, and integrity. He was the artificer of his own fortune; and, by his personal merit alone, from the lowest beginnings, raised himself to almost

His character.

La Valeur, captain Johnson.
Cruiser, captain Shales.
The Firebrand, captain Piercy.
The Vulcan, captain Hockman.
The Phœnix, captain Sansom.
The Grafton, captain Hyde.
The Weasel, captain Gulman.
The Isabella yacht, captain Riddel.

almoſt the higheſt ſtation in the navy. He was born in the county of Suffolk, of mean parentage, and, having an early inclination to the ſea, became a cabin-boy to Sir Chriſtopher Mingo, and, improving daily by quick progreſſes in the knowledge of naval affairs, was ſoon advanced to the rank of lieutenant; and gave early proofs of his valour on the 4th of January 1673-4, when, being lieutenant to Sir John Narborough, admiral of the Engliſh fleet in the Mediterranean, he burnt in the harbour, and under the caſtle of Tripoli, four men of war belonging to the pirates of that place, which forced them to accept ſuch conditions of peace, as Sir John Narborough was pleaſed to preſcribe them. He diſtinguiſhed himſelf in the firſt ſea-engagement, that happened after the revolution, in Bantry-bay, on the 1ſt of May 1689, for which he received the honour of knighthood, being the commander of the Edgar. He was ſoon after advanced to the poſt of a flag-officer; and upon the breaking out of the war in 1702, he was ſent, with a ſquadron of about twenty men of war, to join the grand fleet, and bring home the galleons, and other rich booty, taken by the duke of Ormond and Sir George Rooke at Vigo. The next year he was appointed to command in chief the confederate fleet deſigned for the Straits, conſiſting of thirty-five Engliſh, and fourteen Dutch men of war; and, being come into Leghorn-road, maintained the honour of the Engliſh union-flag, and forced the governor of that city to give him a royal ſalute, which he had at firſt refuſed. In that expedition, Sir Cloudeſly endeavoured to ſupply the Cevennois with money, arms, and ammunition; but, for want of intelligence, the Cevennois not coming to the ſea-ſhore, the admiral expreſſed a great concern, that he could not relieve them, having been always zealous for liberty and the proteſtant religion. In June 1704, he joined the grand fleet, commanded by Sir George Rooke in the Mediterranean, had his ſhare in the honour of taking Gibraltar, and by his bravery and admirable conduct in the ſea-fight, that happened ſoon after, obliged the enemy's van to bear away out of the reach of his cannon; and, though but the ſecond in command, yet he got the principal honour of the day, and contributed moſt to the preſervation of the confederate fleet. For this ſignal piece of ſervice, he was, ſome months after, appointed rear-admiral of England, and admiral and commander in chief of her majeſty's fleet, in conjunction with the earl of Peterborough. In 1706, he commanded the whole confederate fleet, which had on-board 1707.

ten

1707. ten thouſand men, under the command of earl Rivers, deſigned for a deſcent upon France; but, being detained by contrary winds in Torbay, till the 1ſt of October, the admiral, according to his new orders, ſailed for Liſbon, and from thence to Alicant, where having ſet on-ſhore the land-forces, he returned to Liſbon, to prepare for a greater expedition in the year 1707; and, accordingly, in the latter end of June that year, he caſt anchor in the road of Nice, where he nobly entertained the duke of Savoy, prince Eugene, and the Engliſh and Dutch miniſters on-board his ſhip, and with them concerted meaſures for the attack of Toulon; and had the ſatisfaction of ſeeing eight of the enemy's capital ſhips burnt and deſtroyed.

Affairs at ſea.

France ſet out no fleet this year, and yet the Britiſh nation never had greater loſſes on that element. The prince of Denmark's council was very unhappy in the whole conduct of the cruiſers and convoys. The merchants made heavy complaints, and not without reaſon. Convoys were ſometimes denied them; and, when they were granted, they were often delayed beyond the time limited for the merchants to get their ſhips in readineſs; and the ſailing orders were ſometimes ſent them ſo unhappily (but, as many ſaid, ſo treacherouſly) that a French ſquadron was then lying in their way to intercept them. This was liable to very ſevere reflections; for many of the convoys, as well as the merchant-ſhips, were taken.

Underdown's expedition in the Weſt-Indies.

However, about this time, an account was brought of the ſucceſs of captain Underdown, commander of the Falkland, in his expedition againſt the French fiſheries in the North of America, in which the French ſuſtained the following damage: two ſhips taken, one of thirty guns, and an hundred men; one ſhip taken and burnt, of twenty guns, and eighty men; two ſhips burnt by the enemy, one of thirty-two, and another of twenty-ſix guns; two hundred and twenty-eight fiſhing boats burnt; four hundred and ſeventy boats and ſloops, that were not employed in the fiſhery this ſeaſon; twenty-three ſtages, and twenty-three train-fats burnt; ſeventy-ſeven thouſand two hundred and eighty quintals of fiſh; and one thouſand five hundred and ſixty-eight hogſheads of train-oil deſtroyed. But all this was too inconſiderable, to alleviate the loſs of the men and ſhips that periſhed with Sir Cloudeſly Shovel.

This year there was carried on a negotiation, in which the allies were greatly concerned, and in which the queen of Great-Britain, in particular, made not the leaſt figure.

The

The ducheſs of Nemours, princeſs of Neufchatel and Valangin, dying at Paris on the 16th of June, N. S. no leſs than thirteen competitors laid claim to that ſovereignty. 1707.

Among theſe competitors, were the king of Pruſſia, and ſeveral of the French nation, of whom the prince of Conti was the chief (a). Upon news of the ducheſs's death (in whom the houſe of Longueville ended) the prince of Conti, and ſome other of the French competitors, repaired to Neufchatel; and others ſent their miniſters and agents thither, to proſecute their reſpective claims.

The king of Pruſſia adjudged prince of Neufchatel.

Hiſt. of Europe. Burnet. A Lamberti.

(a) The competitors were: 1. The king of Pruſſia, as heir to the houſe of Orange, and conſequently to that of Châlons. 2. The marquis of Maſſilly, in the name of his lady, who ſtiled herſelf princeſs of Orange, and pretended to be heireſs of the houſe of Châlons. 3. The prince of Baden-Durlach, by virtue of an agreement, made in the year 1490, between the families of Hochberg-Neufchatel and Hochberg-Baden. 4. The prince of Conti, as univerſal heir to the late duke of Longueville. 5. The chevalier de Soiſſons's relict, who ſtiled herſelf princeſs of Neufchatel, by virtue of a deed or gift, made by the late ducheſs of Nemours, of that principality to the ſaid chevalier, although ſhe could not be ignorant of the decree of the three eſtates, dated March the 8th, 1694, whereby they declared the ſaid deed and gift void and illegal, and acknowledged the ſaid ducheſs of Nemours, merely as the only ſiſter, and the next heir to the late duke of Longueville. 6. The prince of Carignan, as nephew, on the mother's ſide, to the late ducheſs of Nemours; but, this ſovereignty being devolved to her by the right of her father, the count of Matignon, and the ducheſs of Leſdiguieres, who ſet up the ſeventh and eighth candidates, objected, that being heirs by right of conſanguinity, viz. the firſt, nephew to the ducheſs of Nemours, in the third degree, and the ducheſs in the fourth, the ſaid count pretended, that the principality ought to be adjudged to him, as the next heir, tho' of a later deſcent; and, on the other hand, the ducheſs de Leſdiguieres contended, that the lineal ſucceſſion being to take place, the principality ought to be conferred on her by right of Primogeniture, as being deſcended from the eldeſt. 9. The count of Montbelliard. 10. The baron of Montjoy, as a deſcendant of the houſe of Châlons. 11. The prince of Furſtemburgh, by titles, which he could not produce. 12. The marquis d'Allegre, in the right of his lady, as deſcended from the houſe of Châlons. 13. The Swiſs canton of Ury claimed the city and county of Neufchatel, becauſe when that ſtate, which formerly belonged to the thirteen cantons of Swiſſerland, was yielded by twelve of them, the canton of Ury refuſed to ſubſcribe the deed of reſignation.

1707. A letter from the marquis de Torcy, ſecretary of ſtate in France, wherein he threatened the French king's reſentment towards the inhabitants of Neufchatel, if they admitted a ſtranger in competition with his ſubjects, having been induſtriouſly ſpread among the people, and other artifices uſed, to induce them to make choice of a Frenchman; count Metternich, the Pruſſian ambaſſador, acquainted the magiſtracy, that the king, his maſter, would be ſupported by the whole confederacy in the juſtice of his pretenſions. Accordingly, Mr. Abraham Stanyan, the queen of Great-Britain's envoy-extraordinary to the proteſtant cantons, in a memorial to the magiſtrates of Bern, recommended his Pruſſian majeſty's right, and repaired to Neufchatel. The day after his arrival, he delivered by his ſecretary two letters from the queen; in the firſt of which, directed to the governor and counſellors of ſtate of the ſovereignty of Neufchatel and Valangin, ſhe ſaid, "That, having been informed of the death of the ducheſs of Nemours, her majeſty thought there was an indiſpenſable obligation incumbent upon her to write to them in favour of his Pruſſian majeſty, that, by virtue of his right to the city and country of Neufchatel, both by hereditary title, and by the ceſſion of the late king of Great-Britain, William the third, her brother, they would acknowledge and admit him for their lawful ſovereign. That ſhe hoped they would do it the more readily, not only becauſe that prince was united with them by the ſacred bond of the reformed religion, which both he and they equally profeſſed; but alſo becauſe he had hitherto ſhewn the ſame care and affection for their intereſts, which he ever expreſſed for the good and advantage of his own good ſubjects. Wherefore her majeſty did not doubt, that, being mindful of their country's welfare, and endowed with ſo much prudence as they were, they would carefully avoid chuſing for their prince a perſon, who being a ſubject, and intirely devoted to the government of France, ought, for that reaſon, to be as ſuſpected to them, as he would be to her majeſty, and to all her other allies: which perſuaded her at the ſame time, that, without any delay, they would grant his Pruſſian majeſty's juſt demand; and, as the ſame would give her majeſty a ſingular ſatisfaction, ſo, on her part, ſhe would ever be diſpoſed to ſhew them the effects of her friendſhip." The queen's letter to the Miniſtraux and counſellors of Neufchatel, was much to the ſame purpoſe; and the ſecretary preſented at

the

the ſame time to the council of ſtate, a memorial in behalf of the king of Pruſſia. Not long after Mr. Runckell, envoy from the States-general, arrived at Neufchatel, with inſtructions to join with Mr. Stanyan in all proper meaſures to aſſiſt count Metternich; and a letter from the king of Sweden to the Canton of Bern, in favour of the king of Pruſſia, added no ſmall weight to the interpoſition of Great-Britain and Holland. 1707.

The allies looked on this as a matter of great conſequence; ſince it might end in a rupture between the proteſtant cantons and France, for the popiſh cantons were now wholly theirs. After much pleading and a long debate, the ſtates of the principality gave judgment in favour of the king of Pruſſia, to whom the Inveſtiture of Neufchatel was ſolemnly granted on the 3d of November, N. S. The French competitors proteſted againſt this, and left the place in high diſcontent: The French ambaſſador threatened that little ſtate with an invaſion, and all commerce with them was forbid. The canton of Bern eſpouſed their concern with a ſpirit and a zeal, which was not expected from them, and declaring, they were in a comburgherſhip with them, came to an unanimous reſolution, to defend the principality of Neufchatel with all their forces; purſuant to which reſolution, they ſent, a few days after, four thouſand five hundred of their men to the frontiers of Neufchatel. The French continued to threaten, and marſhal de Villars had orders to march a great part of his army towards them. But, when the court of France ſaw, that the cantons of Bern and Zurich were not terrified by thoſe marches, they let the whole matter fall, very little to their honour; and ſo the intercourſe between the French dominions and that ſtate was again opened, and the peace of the cantons was ſecured. The king of Pruſſia engaged his honour, that he would govern that ſtate with a particular zeal for advancing both religion and learning in it; and upon theſe aſſurances he perſuaded the biſhops of England, and the biſhop of Sarum in particular, to uſe their beſt endeavours to promote his pretenſions; upon which they wrote, in the moſt effectual manner they could, to monſieur Oſtervald, who was the moſt eminent eccleſiaſtic of that ſtate, and one of the beſt and moſt judicious divines of the age. He was bringing that church to a near agreement with the forms of worſhip in the church of England. The king of Pruſſia was well diſpoſed in all matters of religion, and had made a great ſtep, in order to reconcile the Lutherans and the Cal-

1707. viniſts in his dominions, by requiring them not to preach to the people on thoſe points, in which they differed, and by obliging them to communicate together, notwithſtanding the diverſity of their opinions; which was indeed the only wiſe and honeſt way of making up their breach.

The proteſtant cantons of Switzerland obſerving the zeal, which the king of Sweden ſhewed in favour of their religion, in ſupporting the pretenſions of the king of Pruſſia to the principality of Neufchatel, by his letter to the king of France, as well as to the cantons, ſent to him a French gentleman of quality, the marquis de Rochegude, to let him know, what regard they had to his recommendations, and to deſire him to interpoſe his good offices with the French king, for ſetting at liberty about three hundred perſons, who were condemned to the gallies, and treated moſt cruelly in them, upon no other pretence, but becauſe they would not change their religion, and had endeavoured to make their eſcape out of France. The king of Sweden received this meſſage with a particular civility, and immediately complied with it; ordering his miniſter at the court of France, to make it his deſire to that king, that theſe confeſſors might be delivered to him. But the miniſters of France ſaid, That was a point of the king's government at home, in which he could not ſuffer foreign princes to meddle. The king of Sweden ſeemed ſenſible of this neglect; and it was hoped, that, when his affairs would admit of it, he would expreſs a due reſentment of it.

Marriages of the kings of Spain and Portugal.

Whilſt the houſe of Auſtria was ſtruggling this year with great difficulties, two pieces of pomp and magnificence conſumed a great part of their treaſure. An embaſſy was ſent from Liſbon to demand the emperor's ſiſter for that king, which was done with an unuſual and extravagant expence. A wife was to be ſought for king Charles among the proteſtant courts, for there was not a ſuitable match in the popiſh. He had ſeen the princeſs of Anſpach, and was much pleaſed with her; ſo that great applications were made to perſuade her to change her religion; but ſhe could not be prevailed on to buy a crown at ſo dear a rate; and, ſoon after ſhe was married to the electoral prince of Brunſwick, and her firmneſs to the proteſtant religion rewarded with the crown of Great-Britain. The princeſs of Wolfenbuttle was not ſo firm; ſhe was brought therefore to Vienna, and ſome time after married by proxy to king Charles, and ſent to Italy in her way to Spain. The ſolemnity, with which theſe matters were managed, amidſt

all the diſtreſs of the Auſtrian affairs, conſumed a vaſt deal of treaſure; for ſuch was the pride of thoſe courts on ſuch occaſions, that, rather than fail in a point of ſplendor, they would let their moſt important affairs go to wreck. That princeſs was landed at Barcelona; and the queen of Portugal, the ſame year, came to Holland, to be carried to Liſbon by a ſquadron of the Engliſh fleet (1). 1707.

Before the opening the campaign this year in Flanders, a very extraordinary attempt was made by a partizan in the imperial army for carrying off the Dauphin, or ſome other prince of the blood of France, which very narrowly miſſed of ſucceſs. This man's name was Queintem; he had ſerved the prince of Conti, as a valet de chambre, when he went to Hungary; he afterwards became one of the elector of Bayaria's band of muſic, and then his huntſman. Some of the princes of Germany uſed to have a great number of thoſe huntſmen, whom in time they incorporated into their troops. This man going over to the Imperialiſts ſerved as a partizan, and was honoured with a brevet as a colonel, for ſome good ſervices he had performed. This animated him to do ſtill greater things; and, the alterations produced by the battle of Ramillies making it no difficult matter to get from Flanders into France, he formed a project of carrying off ſome prince of the blood from the road between Verſailles and Paris; and, it was generally believed, that his view was particularly upon the Dauphin. In order to effect this, he made choice of ſixteen officers and fourteen dragoons, all enterprizing men, and of great reſolu- An attempt to carry off the Dauphin. Mil. Hiſt.

(1) The city of Hamburgh was this year thrown into great confuſion by a conteſt, which aroſe between ſome private perſons, one of whom was a Lutheran miniſter, and gave occaſion to a diviſion there. One ſide was protected by the ſenate, which ſo highly diſguſted the other, that it was like to end in a revolt againſt the magiſtrates, and a civil war within the city; and it being known, that the king of Denmark had, for many years, an eye on that place, the neighbouring princes apprehended, that he might take advantage from thoſe commotions, or that the weaker ſide might chuſe rather to fall under his power, than under the revenge of the adverſe party. The kings of Sweden and Pruſſia, with the houſe of Brunſwick, reſolved therefore to ſend troops thither, to quiet this diſtraction, and to chaſtiſe the more refractory; while the emperor's miniſters, together with the queen's, endeavoured to accommodate matters, without ſuffering them to run to extremities.

1707 tion. He procured three paſſports, each for ten men; and having given them to perſons whom he could truſt, he divided his troop into three ſmall corps, each of which entered France by a different route, joining in the neighbourhood of Paris. The two commanders of his ſmall ſquadrons were directed by him, that ten ſhould poſt themſelves in the wood of Chantilli, ten at St. Ouen, and the other ten at Seve, on the road from Paris to Verſailles; theſe laſt, to prevent diſcovery, were lodged in different public houſes. One of them, who was a lieutenant, went frequently to Paris, where he ſold two Engliſh horſes. He walked from time to time in the ſtreet of Seve, and on the bridge, that croſſes the Seine there. He one day met the duke of Orleans, but it happened to be too light for him to undertake any thing. Two days after, the dauphin and the princeſſes paſſed him, going to hunt in the wood of Boulogne, but they were too well attended for the partizan to hope any thing from an attack. At laſt, on the 24th of March, he, who was centinel, perceiving monſieur de Berrilgreen, firſt equerry to the king, in a coach and ſix, with the king's liveries, with a few attendants, it being but half an hour paſt ſeven in the evening, took him for ſome prince of the blood, and immediately made a ſignal for the nine others, who paſſed the bridge. As for the centinel, thoſe, who guarded the bridge, ſeeing him croſs it three or four times in a hurry, at laſt threw down the barrier, ſtopped him, and gave notice to the grand provoſt. In the mean time his nine companions, among whom was the partizan Queintem, ſtopped the coach, and put out the flambeaux; and then the partizan taking monſieur le premier (ſo in France they ſtyle the king's firſt equerry) by the ſleeve, told him, that they arreſted him by the king's order. Monſieur le Premier anſwered, that he juſt came from his majeſty; that he would be glad to know who he (the partizan) was, and whether he had not ſome officer with him, to whom he might ſpeak. The partizan, without making him any anſwer, obliged him to get out of the coach, and mount a ſpare horſe, which one of the ſervants rid. Monſieur le Premier's valet de chambre would have followed him, had not one of the ſoldiers threatened to ſhoot him, upon which his maſter bid him go back; but he deſired, that he might have his cloak, upon which one of the men took it from his ſervant, and threw it upon his ſhoulders. He, who was ſtopped at Seve, was their guide, and his loſs proved a great misfortune to them, becauſe it retarded them very much

much in their journey. They turned by the walls of the wood of Boulogne, from whence they went to St. Oüen, where they had left a poſt-chaiſe, with the ten men above-mentioned; but, as they did not know the roads perfectly, they loſt a good deal of time in getting to that place. Monſieur le Premier's valet de chambre ſoon carried the news of his maſter's misfortune to Verſailles, ſo that the king heard of it by nine o'clock, and ſent an order to monſieur Chamillard to diſpatch couriers immediately to the intendents to ſtop all the paſſages. He ſent likewiſe an exempt with twenty life-guards to follow the partizan. Monſieur d'Epines and all the other equerries mounted and rode, ſome towards Normandy, ſome towards Flanders, and others towards Germany. They learned, that, monſieur le Premier finding himſelf much out of order, the Partizan made a halt for three hours to give him time to reſt, and had even cut and lowered the back of the chaiſe, which hindered its going, that his priſoner might be the leſs incommoded. The guards and equerries rode ſo faſt, and ſpread intelligence ſo quick, that the partizan, as he got out of the foreſt of Chantilli, heard the alarum-bell ring in all the villages; upon which he began to doubt of the ſucceſs of his expedition: However, he went on boldly and undiſcovered as far as Ham, where he was diſcovered by a quarter-maſter, who rode up to him, and clapped a piſtol to his throat. The partizan, finding himſelf ſurrounded on all ſides, was obliged to ſurrender. Monſieur le Premier immediately cried out, That he had been extremely well uſed, and deſired, that the man might not be hurt. He kept him that night to ſupper with him, carried him on his parole back to Verſailles, and lodged him there in his own apartments. Madam de Beringhen, who happened to be gone before her huſband in another coach, made the partizan a very conſiderable preſent for the civilities which he had ſhewn monſieur le Premier. It is certain, that nothing but his condeſcenſion in ſtopping thoſe three hours hindered him from getting clear off, ſince, at the place where he was ſtopped, he was within three hours march of a place of ſafety; and on this account it was, that he and his companions were diſcharged. 1707.

This was the ſtate of our affairs abroad, both by ſea and land. During thoſe tranſactions, a parliament was held at Dublin by the earl of Pembroke, who was appointed lord-lieutenant of Ireland. At the opening of the ſeſſion, on 17th July, he made a ſpeech, wherein, among other things, The affairs of Ireland.

1707. he ſaid, "That the queen, conſidering the number of "papiſts in Ireland, would be glad of any expedient for "the ſtrengthening the intereſt of her proteſtant ſubjects. "That the public ſervice requiring that ſeveral regiments "ſhould be ſent abroad, the queen intended to ſupply the "like number of forces, for the ſecurity of that kingdom; "and he did not doubt, but they would provide ſupplies "for them, as well as for defraying the expence of the go-"vernment (1)."

Purſuant to the queen's deſire, for ſtrengthening the proteſtant intereſt, a bill was brought in by the commons, for explaining an act to prevent the farther growth of popery, and it was reſolved, I. That any proteſtant guardian, that permits a papiſt to educate and diſpoſe of his ward, does thereby betray the truſt repoſed in him, evade the law, and propagate popery. II. That any papiſt, who ſhall take upon him to manage and diſpoſe of the ſubſtance and perſon of any infant committed to a proteſtant guardian, is guilty of a notorious breach of the law. III. That altering a proteſtant guardian duly appointed, without ſufficient reaſon, is a diſcouragement to the execution of the act againſt the further growth of Popery. However, when the committee had gone through the bill, and agreed to every paragraph except one (by which the ſons of papiſts that ſhould turn proteſtants might be injured) the houſe diſagreed to that, and rejected the bill. But it was unanimouſly reſolved, that all popiſh prieſts were obliged to take the oath of abjuration by the laws in force, and that it was the indiſpenſible duty of all judges and magiſtrates to put thoſe laws in execution.

The houſe of commons having appointed a committee to inſpect the public accounts, upon their report being read, it was reſolved, I. That this kingdom had been put to exceſſive

(1) Both houſes addreſſing the queen, the lords, omitted congratulating her upon the late union of England and Scotland, which ſhe ſo much valued herſelf upon; whilſt the commons not only mentioned the glory ſhe had acquired by it, but hinted at a much more comprehenſive union. To this the queen anſwered, 'They might be 'aſſured, nothing ſhould be want-'ing to make the union of all 'her ſubjects as extenſive as "poſſible." Some thought this related to a comprehenſion in matters of religion; but others more reaſonably ſuppoſed, that, by their comprehenſive union, the commons meant the uniting of Ireland as well as Scotland with England, and forming the three kingdoms into one.

ceſſive charge, by means of great arrears of rent, return- 1707.
ed by the late truſtees, to be due out of the forfeited eſtates of this kingdom; and that moſt of the ſaid arrearages returned appear to be unjuſt charges on the ſubject, and falſe returns, by receipts under the hand of the truſtees, or their receivers, or entries in their own books. II. That an humble repreſentation be laid before her majeſty, of the great charge and preſſure the kingdom lies under, by the ſaid returns, and ſeveral other the oppreſſive proceedings of the late truſtees.

The houſe alſo reſolved, That it would greatly conduce to the relief of the poor, and the good of that kingdom, that the inhabitants ſhould uſe no other than their own manufactures in their apparel, and the furniture of their houſes; and all the members mutually agreed and engaged their honours to each other, that they would conform to the ſaid reſolution.

The commons having granted the neceſſary ſupplies, and the ſeveral bills they were upon being ready for the royal aſſent, the lord-lieutenant gave it to

An act for regiſtring lands, deeds, &c.

An act to explain an act to prevent papiſts being ſolicitors.

An act for explaining and limiting the privileges of parliament.

An act for the more effectual preventing the taking away, and marrying children againſt the wills of their parents.

And ſeveral other acts public and private.

This done, the parliament was prorogued from the 29th of October to the 6th of May, and the earl of Pembroke returned to England.

During the campaign, things went in England in their ordinary channel. But the conduct, with relation to Scotland, was more unaccountable. For whereas it might have been reaſonably expected, that the management of the new-ly-united part of this iſland ſhould have been particularly taken care of, ſo as to give no juſt diſtaſte to the Scots, nor offer an handle to thoſe, who were ſtill endeavouring to inflame that nation, and to increaſe their averſion to the union; things were, on the contrary, ſo ordered, as if the deſign had been to contrive methods to exaſperate the ſpirits of the people there. Though the management of the Scots revenue was to fall into the lord treaſurer's hands on the firſt of May, no care was taken to have all the commiſſions ready at the day, with new officers to ſerve in them; Proceedings with regard to Scotland. Burnet.

1707. them; ſo that the whole trade of Scotland was ſtopped for almoſt two months for want of orders, to put it into the new courſe, in which it was to be carried on. Three months paſſed before the equivalent was ſent to Scotland; and, when wines and other merchandiſe were imported into England from thence, ſeizures were every where made; and this was managed with a particular affectation of roughneſs. All theſe things heightened the prejudices, with which that nation had been poſſeſſed againſt the union. It was alſo known, that many meſſages paſſed between Scotland and France; and that there were many meetings and much conſultation among the diſcontented party there. A great body appeared openly for the pretender, and celebrated his birth-day very publickly, both at Edinburgh, and in other places of the kingdom; and it was openly talked, that there was now an opportunity that was not to be loſt, of invading the kingdom, though with a ſmall force; and that a general concurrence from the body of that nation might be depended upon. Theſe things were done in ſo public a manner, that no check being given to them, nor inquiry made after them by thoſe who were in the government, it gave occaſion to many melancholy ſpeculations. The management from England looked like a thing concerted to heighten that diſtemper; and the whole conduct of the fleet afforded great cauſe of jealouſy.

A new party at court.

But, to open this more clearly, it will be neceſſary to give an account of a new ſcene at court. It was obſerved, that Mr. Harley, who had been for ſome years ſecretary of ſtate, had gained great credit with the queen, and began to ſet up for himſelf, and to act no more under the direction of the lord-treaſurer. There was one of the bedchamber-women, Mrs. Abigail Hill (a), who, being nearly related to

(a) The duchess of Marlborough, in the account of her conduct, p. 177, &c. gives the following account of Mrs. Hill and her practices. She was the daughter of Mr. Hill, a merchant in London, by a ſiſter of the duchess's father. Mr. Hill lived very well for many years, till turning projector, he brought ruin upon himſelf and his family. The duchess of Marlborough never knew, that there were ſuch people in the world, till after the princeſs Anne was married, and when ſhe lived at the Cockpit; at which time an acquaintance of the duchess came to her, and ſaid, 'That ſhe believed ſhe did not know, that ſhe had relations, who were in want; and gave her an account of them. The duchess anſwered, That indeed ſhe had never heard before of any ſuch relations; and immediately

to the ducheſs of Marlborough, had been taken care of by her, together with her whole family (for they were fallen very 1707.

immediately gave out of her purſe ten guineas for their preſent relief, ſaying, ſhe would do what ſhe could for them; and afterwards ſent Mrs. Hill more money, and ſaw her.

Mrs. Hill told the ducheſs, that her huſband was in the ſame relation to Mr. Harley, as ſhe was to the ducheſs, but that he had never done any thing for her. Mr. Hill and his wife died not long after this, and left two ſons and two daughters. The elder daughter (afterwards Mrs. Maſham) was a grown woman. The ducheſs took her to St. Albans, where ſhe lived with her grace and her children, and was treated by her grace with as great kindneſs, as if ſhe had been her ſiſter. After ſome time a bedchamber-woman of the princeſs of Denmark's died; and, as in that reign (after the princeſſes were grown up) rockers, though not gentlewomen, had been advanced to be bedchamber-women, the ducheſs procured the vacant place for Mrs. Hill, whoſe younger ſiſter ſhe likewiſe took care of, and got to be made laundreſs to the duke of Glocester, and afterwards obtained a penſion for her of two hundred pounds a year. The elder brother was, at the ducheſs's requeſt, put into a place at the Cuſtom-houſe; the younger, whom the bottlemen, ſays the ducheſs, afterwards called Honeſt Jack Hill, was a tall boy, whom I clothed (for he was all in rags) put to ſchool at St. Albans to one Mr. James, who had been an uſher under Dr. Buſby of Weſtminſter; and, whenever I went to St. Albans, I ſent for him, and was as kind to him, as if he had been my own child. After he had learned what he could there, a vacancy happening of page of honour to the prince of Denmark, his highneſs was pleaſed, at my requeſt, to take him. I afterwards got my lord Marlborough to make him groom of the bedchamber to the duke of Glocester; and tho' my lord always ſaid, that Jack Hill was good for nothing, yet, to oblige me, he made him his aid-de-camp, and afterwards gave him a regiment. But it was his ſiſter's intereſt, that raiſed him to be a general, and to command in that ever-memorable expedition to Quebec. I had no ſhare in doing him theſe honours. To finiſh what I have to ſay upon this ſubject; when Mr. Harley thought it uſeful to attack the duke of Marlborough in parliament, this Quebec general, this honeſt Jack Hill, this once ragged boy, whom I clothed, happening to be ſick in bed, was nevertheleſs perſuaded by his ſiſter to get up, wrap himſelf in warmer clothes than thoſe I had given him, and go to the houſe to vote againſt the duke. I may add here, that even the huſband of Mrs. Maſham had ſeveral obligations to me. 'It was at my inſtance, that he was firſt made a page, then a querry, and afterwards groom of the bedchamber to the prince; for all which he himſelf thanked me, as for favours procured by my means.

As

1707. very low) in a moſt particular manner. She brought her not only into that poſt, but had treated her with ſuch a confidence,

As for Mrs. Maſham herſelf, I had ſo much kindneſs for her, and had done ſo much to oblige her, without having ever done any thing to offend her, that it was too long before I could bring myſelf to think her other than a true friend, or forbear rejoicing at an inſtance of favour ſhewn her by the queen. I obſerved indeed at length, that ſhe was grown more shy of coming to me, and more reſerved than uſual, when ſhe was with me; but I imputed this to her peculiar moroſeneſs of temper, and for ſome time made no other reflection upon it. The firſt thing which led me into inquiries about her conduct, was the being told, in the ſummer of 1707, that my couſin Hill was privately married to Mr. Maſham. I went to her, and aſked her, if it were true. She owned it was, and begged my pardon for having concealed it from me. As much reaſon as I had to take ill this reſerve in her behaviour, I was willing to impute it to baſhfulneſs and want of breeding, rather than to any thing worſe. I embraced her with my uſual tenderneſs, and very heartily wiſhed her joy; and then, turning the diſcourſe, entred into her concerns in as friendly a manner as poſſible, contriving how to accommodate her with lodgings, by removing her ſiſter into ſome of my own. I then inquired of her very kindly, whether the queen knew of her marriage, and very innocently offered her my ſervice, if ſhe needed it, to make that matter eaſy. She had by this time learned the art of diſſimulation pretty well, and anſwered with an air of unconcernedneſs, that the bedchamber-woman had already acquainted the queen with it, hoping, by this anſwer, to divert any further examination into the matter. But I went preſently to the queen, and aſked her, Why ſhe had not been ſo kind as to tell me of my couſin's marriage, expoſtulating with her upon the point, and putting her in mind of what ſhe uſed often to ſay to me out of Montaigne, That it was no breach of promiſe of ſecrecy to tell ſuch a friend any thing, becauſe it was no more than telling it to one's ſelf. All the anſwer I could obtain from her majeſty was this, I have a hundred times bid Maſham tell it you, and ſhe would not.

The conduct both of the queen and of Mrs. Maſham convinced me, that there was ſome myſtery in the affair; and thereupon I ſet myſelf to inquire as particularly as I could into it; and, in leſs than a week's time, I diſcovered, That my couſin was become an abſolute favourite; that the queen herſelf was preſent at her marriage in Dr. Arbuthnot's lodgings, at which time her majeſty had called for a round ſum out of the privy-purſe; that Mrs. Maſham came often to the queen, when the prince was aſleep, and was generally two hours every day in private with her: and I likewiſe then

fidence, that it had introduced her into a high degree of favour with the queen; which, for ſome years, was conſidered as 1707.

then diſcovered Mr. Harley's correſpondence and intereſt at court by means of this woman.

I was ſtruck with aſtoniſhment at ſuch an inſtance of ingratitude, and ſhould not have believed it, if there had been any room left for doubting.

My lord Marlborough was at firſt no leſs incredulous than I, as appears from the following paragraph of a letter from him, in anſwer to one from me on this ſubject.

Meldeſt, June 3, 1707.

'The wiſeſt thing is to have 'to do with as few people as 'poſſible. If you are ſure that 'Mrs. Maſham ſpeaks of buſi-'neſs to the queen, I ſhould 'think you might, with ſome 'caution, tell her of it, which 'would do good; for ſhe cer-'tainly muſt be grateful, and 'will mind what you ſay.'

It became eaſy now to decypher many particulars, which had hitherto remained myſterious; and my reflections quickly brought to my mind many paſſages, which had ſeemed odd and unaccountable, but had left no impreſſions of ſuſpicion or jealouſy. Particularly I remembered, that a long while before this, being with the queen (to whom I had gone very privately by a ſecret paſſage from my lodgings to the bedchamber) on a ſudden this woman, not knowing I was there, came in with the boldeſt and gayeſt air poſſible; but, upon ſight of me, ſtopped, and immediately changing her manner, and making a moſt ſolemn courteſy, Did your majeſty ring? and then went out again. This ſingular behaviour needed no interpreter now to make it underſtood. But, not to dwell on ſuch trifling incidents, as ſoon as I had got a thorough inſight into her management, being naturally frank and open, I wrote to her the following letter:

September 23, 1707.

Since the converſation I had with you at your lodgings, ſeveral things have happened to confirm me in what I was hard to believe, that you have made me returns very unſuitable to what I might have expected. I always ſpeak my mind ſo plainly, that I ſhould have told you ſo myſelf, if I had had the opportunity which I hoped for. But, being now ſo near parting, think this way of letting you know it, is like to be the leaſt uneaſy to you, as well as to

Your humble ſervant,

S. MARLBOROUGH.

Though I was to go to Woodſtock the next day, I ſtaid at Windſor almoſt all the morning to wait her anſwer. But this could not be had ſo ſoon, it being neceſſary to conſult with her great director in ſo nice a matter. At length, however, an anſwer was ſent after me, the whole frame and ſtile of which ſhewed it to be the genuine product of an artful man, who knew perfectly well the management of ſuch an affair.

Windſor, Sept. 23, 1707.

'While I was expecting a meſſage from your grace, to

'wait

1707. as an effect of the ducheſs's credit with her majeſty. She was alſo nearly related to Mr. Harley; and they two entered

wait upon you according to your commands, laſt night, I received a letter, which ſurpriſes me no leſs than it afflicts me, becauſe it lays a moſt heavy charge upon me of an ungrateful behaviour to your grace. Her majeſty was pleaſed to tell me, that you was angry with me for not acquainting you with my marriage. I did believe, after ſo generous a pardon, your grace would think no more of that. I am very confident, by the expreſſion of your letter, that ſomebody has told ſome malicious lye of me to your grace, from which it is impoſſible for me to vindicate myſelf till I know the crime I am accuſed of. I am ſure, madam, your goodneſs cannot deny me what the meaneſt may aſk the greateſt; I mean juſtice, to know my accuſer. Without that, all friendſhip muſt be at the mercy of every malicious liar, as they are, who have ſo barbarouſly and unjuſtly brought me under your diſpleaſure, the greateſt unhappineſs that could befall me. I therefore make it my moſt humble requeſt to your grace, that, if ever I had the leaſt ſhare of your friendſhip, you would be pleaſed to give me that parting token to let me know, who this wicked perſon is; and then I do not doubt but I ſhall make it plain how much they have wronged me, as well as impoſed upon your grace. As my affliction is very great, you will, I hope, in compaſſion let me hear from you, and believe me what I really am,

Madam,
Your grace's moſt humble
and faithful ſervant,
A. Hill.'

As I believe nobody at this time doubts, whether the writer of this letter was practiſing with the queen to undermine me, I ſhall make no reflections upon it. My anſwer was in theſe terms:

'I received your letter upon the road to this place; and I can aſſure you the occaſion of my complaints did not proceed from any ill offices that had been done you to me by any body, but from my own obſervation, which makes the impreſſion much the ſtronger. But I think the ſubject is not very proper for a letter; and therefore I muſt defer it till we meet, and give you no farther trouble at this time from

Your moſt humble ſervant,
S. Marlborough.'

About the ſame time that I made this diſcovery of Mrs. Maſham's intriguing, my lord Godolphin (as I before mentioned) got notice of Mr. Harley's practices, both within doors and without. He was endeavouring to create in the whigs jealouſies of lord Godolphin and lord Marlborough; and at the ſame time aſſuring the tories, that they might depend upon the queen's inward affection to them; and that it was wholly owing to thoſe two great lords, that the tories were not ſtill poſſeſſed of all the places and

tered into a cloſe correſpondence. She learned the arts of a court, and obſerved the queen's temper with ſo much application, 1707.

and employments. His deſign was to ruin the whigs, by diſuniting them from the miniſtry, and ſo to pave the way for the tories to riſe again, whom he thought to unite in himſelf, as their head, after he had made it impoſſible for them to think of a reconciliation with the duke of Marlborough and lord Godolphin. But, that this able politician might in all things act ſuitably to his parts and genius, he, at the ſame time, that he was employed in the manner I have related, was endeavouring to blind the eyes of thoſe whoſe deſtruction he aimed at, by the moſt elaborate compliments, and the moſt nauſeous profeſſions of affection and duty.

The ducheſs then gives ſeveral letters of Mr. Harley to the duke and herſelf, wherein he extolled the duke's ſervices to his country, ſpoke of his glory as beyond the power of envy or malice to hurt it, and profeſſed a peculiar joy in the contemplation of it, while, at the ſame time, ſays ſhe, he was contriving how to ruin that glorious man, in order to raiſe himſelf upon his ruins. The duke was too backward to believe him capable of ſuch deſigns, though it is certain he never had entertained the ſame good opinion of him, as my lord Godolphin had; and tho', as one may collect from a paragraph in a letter of Mr. Harley's, dated March 25, 1707, the duke had been early warned of his practices. The paragraph contains theſe words:

'I return your grace moſt hearty and humble thanks for the favourable expreſſions in your letter. I beg leave to aſſure you, that I ſerve you by inclination and principle, and a very little time will make that manifeſt, as well as that I have no views or aims of my own.'

The conduct which Mr. Harley obſerved after theſe aſſurances, was ſo directly contrary to them, and became quickly ſo notorious, that my lord Godolphin could not help repreſenting it to the queen as of the utmoſt prejudice to her affairs. And when he found that her majeſty would believe nothing of it, he went ſo far as to ſay, that if Mr. Harley continued to act the part he did, and yet to have ſo much credit with her, as he perceived he had, lord Marlborough and himſelf muſt of neceſſity quit her ſervice. The queen appeared pretty much alarmed at this, and preſently wrote a letter to me, in which were ſeveral expreſſions of great kindneſs.

Kenſington, October 30.

'If I have not anſwered all my dear Mrs. Freeman's letters (as indeed I ſhould have done) I beg ſhe would not impute it to any thing but the apprehenſion I was in of ſaying what might add to the ill impreſſions ſhe has of me. For, though I believe we are both of the ſame opinion in the main, I have the misfortune, that I cannot exactly agree in every thing; and therefore what

1707. plication, that ſhe got far into her heart. She employed all her credit to eſtabliſh Mr. Harley in the ſupreme confidence with

what I ſay is not thought to have the leaſt colour of reaſon in it, which makes me really not care to enter into particulars. But, though I am unwilling to do it, it is impoſſible for me to help giving you ſome anſwer to your laſt letter, in which I find you think me inſenſible of every thing. I am very ſorry, you, who have known me ſo long, can give way to ſuch a thought, as that I do not think the parting with my lord Marlborough and my lord-treaſurer of much conſequence, becauſe I did not mention any thing of my lord Marlborough's kind letter concerning me. The reaſon of this was, I really was in a great hurry when I writ to you, and not having time to write on that ſubject to both, I thought it was the moſt neceſſary to endeavour to let him ſee he had no reaſon to have ſuſpicions of any one's having power with me, beſides himſelf and my lord-treaſurer; and I hope they will believe me. Can dear Mrs. Freeman think, that I can be ſo ſtupid as not to be ſenſible of the great ſervices that my lord Marlborough and my lord-treaſurer have done me, nor of the great misfortune it would be, if they ſhould quit my ſervice? No, ſure, you cannot believe me to be ſo void of ſenſe and gratitude. I never did, nor never will give them any juſt reaſon to forſake me; and they have too much honour and too ſincere a love for their country, to leave me without a cauſe. And I beg you would not add that to my other misfortunes, of puſhing them on to ſuch an unjuſt an unjuſtifiable action. I think I had beſt ſay no more for fear of being too troubleſome. But, whatever becomes of me, I ſhall always preſerve a moſt ſincere and tender paſſion for my dear Mrs. Freeman, to my laſt moment.'

After my return to London, I had another kind letter from her majeſty in the following terms:

Saturday night.

'My dear Mrs. Freeman, I cannot go to bed without renewing a requeſt that I have often made, that you would baniſh all unkind and unjuſt thoughts of your poor, unfortunate, faithful Morley, which I ſaw by the glimpſe I had of you yeſterday, you were full of. Indeed I do not deſerve them; and, if you could ſee my heart, you would find it as ſincere, as tender, and paſſionately fond of you as ever, and as truly ſenſible of your kindneſs in telling me your mind freely upon all occaſions. Nothing ſhall ever alter me. Though we have the misfortune to differ in ſome things, I will ever be the ſame to my dear, dear Mrs. Freeman, whom I do aſſure once more, I am more tenderly and ſincerely her's than it is poſſible ever to expreſs.

I was every day in expectation of hearing from Mrs. Maſham, who, I ſuppoſed, would now endeavour to clear up what had created ſo much uneaſineſs between

with the queen, and to alienate her affections from the duchess of Marlborough, who studied no other method of preserving 1707.

between us. But, to my great surprise, I was twelve days at St. James's under the same roof with her, before I had so much as any message from her. At length, having one night passed by her window in my return home, she sent one of her maids to my woman to ask her how I did, and to let me know, that she was gone to Kensington. This behaviour was so very ridiculous, that the next time I saw the queen, I could not forbear speaking of it, and at the same time telling her all that had passed between us. The queen looked grave, and said, She was mightily in the right not to come near me. I answered, that I did not understand that, since she had expressed such a concern at my displeasure, and since the clearing up of matters had been reserved to our meeting. The queen replied, That it was very natural for her to be afraid to come to me, when she saw I was angry with her. To this I answered, That she could have no reason to be afraid, unless she knew herself guilty of some crime. It was the queen's usual way, on any occasion, where she was predetermined (as my lord Marlborough has told me, that it was her father's) to repeat over and over some principal words she had resolved to use, and to stick firmly to them. She continued therefore to say, It was very natural, and she was very much in the right. So that this conversation with her majesty produced nothing but an undeniable proof, that the new favourite was deeply rooted in her heart and affections; and that it was thought more adviseable to let the breach between me and Mrs. Masham grow wider and wider, than to use any method to make it up.

But now within two days Mrs. Masham contrived to make me a visit, when I was abroad. Upon observing this, and considering that our meeting could be to no purpose, but to draw fruitless and false professions from her, I gave a general order to my servants to say, whenever she could call, that I was not at home. After some time it was thought proper, that she should write to me, and desire I would see her; to which I consented, and appointed her a time. When she came, I began to tell her, that it was very plain the queen was much changed towards me; and that I could not attribute this to any thing but her secret management. That I knew she had been very frequently with her majesty in private; and that the very attempt to conceal this by artifice, from such a friend as I had been to her, was alone a very ill sign, and enough to prove a very bad purpose at bottom. To this she very gravely answered, That she was sure the queen, who had loved me extremely, would always be very kind to me. It was some minutes before I could recover from the surprise, with which so extraordinary an answer

1707. ſerving her favour, than by purſuing the true intereſt of the queen and of the kingdom. It was ſaid, that prince George was

ſwer ſtruck me. To ſee a woman, whom I had raiſed out of the duſt, put on ſuch a ſuperior air, and to hear her aſſure me by way of conſolation, that the queen would be always very kind to me! At length I went on to reproach her with her ingratitude, and her ſecret management with the queen to undermine thoſe, who had ſo long, and with ſo much honour, ſerved her majeſty. To this ſhe anſwered, That ſhe never ſpoke to the queen about buſineſs, but that ſhe ſometimes gave her petitions, which came to the back-ſtairs, and with which ſhe knew I did not care to be troubled. And with ſuch inſincere anſwers ſhe thought to colour over the matter, while I knew for certain, ſhe had before this obtained penſions for ſeveral of her friends, and had frequently paid to others, out of the privy-purſe, ſums of money, which the queen had ordered me to bring her; and that ſhe was every day long with her majeſty in private. But thus our converſation ended; and, when we had ſat a while ſilent, ſhe roſe up and ſaid, She hoped I would give her leave to come ſometimes, and inquire after my health: which, however, it is plain ſhe did not deſign to do, for ſhe never once came near me after this. Notwithſtanding this, when ſhe owned her marriage publickly, I went with lady Sunderland to viſit her; not that I intended to have any farther intercourſe with her, or to diſſemble the ill opinion I had of her (as I had fully reſolved to let her then know, in caſe I found an opportunity of ſpeaking to her privately) but purely out of reſpect to the queen, and to avoid any noiſe or diſagreeable diſcourſe, which my refuſing that ordinary part of civility might occaſion.

Not many days after this I went to pay my reſpects to the queen in the Chriſtmas holidays; and, before I went in, I learnt from the page, that Mrs. Maſham was juſt then ſent for. The moment I ſaw her majeſty, I plainly perceived ſhe was very uneaſy. She ſtood all the while I was with her, and looked as coldly upon me, as if her intention was that I ſhould no longer doubt of my loſs of her affections. Upon obſerving what reception I had, I ſaid, I was very ſorry I had happened to come ſo unſeaſonably. I was making my courteſy to go away, when the queen, with a great deal of diſorder in her face, and without ſpeaking one word, took me by the hand; and, when thereupon I ſtooped to kiſs her's, ſhe took me up with a very cold embrace, and then, without one kind word, let me go. So ſtrange a treatment of me, after my long and faithful ſervices, and after ſuch repeated aſſurances from her majeſty of an unalterable affection, made me think, that I ought, in juſtice to myſelf, as well as in regard to my miſtreſs's intereſt, to write to her in the plaineſt and ſincereſt

was brought into the concert, and that he was made to apprehend, that he had too ſmall a ſhare in the government, and 1707.

ſincereſt manner poſſible, and expoſtulate with her upon her change to me, and upon the new counſels, by which ſhe ſeemed to be wholly governed. My letter was in theſe terms:

December 27, 1707.

'If Mrs. Morley will be ſo juſt as to reflect and examine impartially her laſt reception of Mrs. Freeman, how very different from what it has been formerly, when you were glad to ſee her come in; and ſorry when ſhe went away; certainly you cannot wonder at her reproaches upon an embrace, that ſeemed to have no ſatisfaction in it, but that of getting rid of her, in order to enjoy the converſation of one, that has the good fortune to pleaſe you much better, though I am ſure nobody did ever endeavour it with more ſincerity than Mrs. Freeman had done. And if I had conſidered only my intereſt, and that of my family, I might have borne this change without any complaint. For I believe Mrs. Morley would be ſincere in doing us any good. But I have once been honoured with an open kind confidence and truſt, and that made all my ſervices agreeable; and it is not poſſible to loſe it without a mortification too great to be paſſed with ſilence, being ſure, that I have never done any thing to forfeit it, having never betrayed nor abuſed that confidence, by giving you a falſe repreſentation of any body. My temper is naturally plain and ſincere, and Mrs. Morley did like it for many years. It is not the leaſt altered. But I cannot help thinking thoſe things reaſonable, that appear to be ſo. And I appeal to God almighty, that I never deſigned or purſued any thing, but as I was thoroughly convinced it was for Mrs Morley's true intereſt and honour: and, I think, I may ſafely put it to that trial, if any thing has yet proved unſucceſsful, that was of any public conſequence, that Mrs. Freeman has been earneſt to perſuade Mrs. Morley to. And it is not poſſible for me to diſſemble, ſo as to appear what I am not.

So much by way of apology for what happened upon Wedneſday laſt. And, if Mrs. Morley has any remains of the tenderneſs ſhe once profeſſed for her faithful Freeman, I would beg ſhe might be treated one of theſe two ways, either with the openneſs and confidence of a friend, as ſhe was for twenty years (for to pretend kindneſs without truſt and openneſs of heart, is a treatment for children, not friends) or elſe in that manner, that is neceſſary for the poſt ſhe is in, which unavoidably forces her to be often troubling Mrs. Morley upon the account of others. And if ſhe pleaſes to chuſe which of theſe two ways, or any other ſhe likes to have Mrs. Freeman live in, ſhe promiſes to follow any rule that is laid down, that is poſſible, and is reſolved to her life's end, and, upon all occaſions, to ſhew, that Mrs. Morley

1707. and that he was ſhut out from it by the great power, which the duke of Marlborough and the lord-treaſurer had drawn into their hands; that all depended upon them; that the queen was only a cypher in the government; that ſhe was in the ducheſs of Marlborough's hands, as her affairs were in the duke's. It was likewiſe talked among thoſe, who made their court to the new favourites, that there was not now a jacobite in the nation; that all were for the queen; and that, without doubt, ſhe would reign out peaceably her whole life, but ſhe need not concern herſelf for a German family. Theſe diſcourſes began to break out, and gave melancholy apprehenſions to thoſe to whom they were brought. This went on too long, little regarded. The ducheſs of Marlborough ſeemed ſecure of her intereſt in the queen, and ſhewed no jealouſy of a favour, to which herſelf gave the firſt riſe. This was the ſtate of the court at the opening of the parliament.

Promotions in the church.

There were at that time three biſhopricks vacant. Sir Jonathan Trelawney, conſiderable for his birth and intereſt in Cornwal, had been removed the ſummer before from Exeter to Wincheſter. The lord-treaſurer had promiſed, that preferments ſhould be beſtowed on men well-principled with relation to the preſent conſtitution, and on men of merit. The queen, without regarding this, ſecretly engaged herſelf to Dr. Blackall for Exeter; and for Cheſter (being at the ſame time void by the death of Dr. Stratford) to Sir William Dawes. Theſe divines were in themſelves men of merit, but their notions were all on the other ſide. They had ſubmitted to the government; but they, at leaſt Dr. Blackall, ſeemed to condemn the revolution, and all that had been done purſuant to it. Sir William Dawes was likewiſe looked on as an aſpiring man, who would ſet himſelf at the head of the tory-party. This nomination therefore gave great diſguſt. To qualify this a little, Dr. Patrick, the pious and learned biſhop of Ely, dying at this time, the queen advanced biſhop More from Norwich to that ſee; and Dr. Trimnel, a worthy perſon in all reſpects, was named for Norwich; yet this did not quiet the uneaſineſs which

never had a more faithful ſervant.'

days after ſhe wrote me an anſwer, in which ſhe very much ſoftened what had paſſed. I

My lord Marlborough, or my lord Godolphin (I have forgot which) carried my letter. The queen took no notice of it to either of thoſe lords. But ſome

was much pleaſed to find her majeſty in that diſpoſition, and once more put on as eaſy an appearance as I could.

which many were under, by reaſon of the other nomina- 1707.
tions, which ſeemed to flow from the queen herſelf, and ſo diſcovered her inclinations.

To prevent the ill effects that this might have in the approaching ſeſſion, ſome of the eminent members of the houſe of commons were called to a meeting, with the dukes of Somerſet and Devonſhire. Theſe lords aſſured them, in the queen's name, that ſhe was very ſenſible of the ſervices which the whigs did her; and, though ſhe had engaged herſelf ſo far with relation to thoſe two biſhopricks, that ſhe could not recall the promiſes ſhe had made, yet for the future ſhe was reſolved to give them full content (a). But, while

(a) The dutcheſs of Marlborough, in the account of her conduct, p. 174. obſerves, that notwithſtanding the promotion of lord Sunderland to the poſt of ſecretary of ſtate was carried by the whigs, they were ſoon alarmed again by the queen's choice of two high-church divines, to fill two vacant biſhopricks. Several of the whigs were diſpoſed to think themſelves betrayed by the miniſtry; whereas the truth was, that the queen's inclination to the tories, being now ſoothed by the flatteries and inſinuations of her private counſellors, had begun to make it irkſome to her to conſult with her miniſters upon any promotions, either in the church or the ſtate. The firſt artifice of thoſe counſellors was to inſtill into the queen notions of the high prerogative of acting without her miniſters, and (as they expreſſed it) of being queen indeed. And the nomination of perſons to biſhopricks againſt the judgment and remonſtrances of her miniſtry, being what they knew her genius would fall in with more readily than with any thing elſe they could propoſe, they began with that; and they took care, that theſe remonſtrances ſhould be interpreted by the world, and reſented by herſelf, as hard uſage, a denial of common civility, and even the making her no queen.

Her majeſty, however, to quiet the diſſatisfaction of the whigs for the late promotions, ordered her miniſters to aſſure them, that ſhe would prefer no more tories, and ſhe gave the ſame aſſurances with her own mouth in the cabinet-council. And ſhe was ſuffered by her ſecret counſellors ſo far to obſerve this promiſe, as to give, about the ſame time, the biſhoprick of Norwich to Dr. Trimnell, a particular friend of lord Sunderland's. And ſhe alſo, ſome time after, gave the profeſſorſhip of divinity at Oxford to Dr. Potter, the preſent archbiſhop of Canterbury, who had Dr. Smalridge for his competitor, recommended by the tories. But this latter favour to the whigs was not ſo eaſily obtained as the former. And upon the delays that were made in beſtowing it, my lord Marlborough thought it proper to try what credit he had with the

1707. while this was ſaid to ſome whigs, Mr. Harley, and his friends Mr. ſt. John and Sir Simon Harcourt, took great pains with the leaders of the tories, particularly Sir Thomas Hanmer, Mr. Bromley, and Mr. Freeman, to engage them in the queen's intereſts, aſſuring them, that her heart was with them; that ſhe was weary of the tyranny of the whigs, and longed to be delivered from it. But they were not wrought upon by that management; they either miſtruſted it, as done only to inſnare them; or they had other views, which they did not think fit to own. This double-dealing came to be known, and gave occaſion to much jealouſy and diſtruſt.

Four men of war loſt. A little before the ſeſſion was opened, an eminent misfortune happened at ſea. A convoy of five ſhips of the line (the Cumberland of eighty guns, captain Richard Edwards commodore; the Devonſhire of like force; the Royal-Oak of ſeventy guns; and the Cheſter and Ruby of fifty) were ſent to Lisbon, to convoy thither a fleet of about a hundred and thirty ſail of merchant-ſhips, with merchandiſe, proviſions, ſtores of war, and a thouſand horſes bought in England for the king of Portugal. They left Plymouth on the 9th of October, being ordered to ſail, as if it had been by concert, at a time when a ſquadron from Dunkirk had joined another from Breſt, and lay in the way, waiting for them under the command of monſieur Forbin, and monſieur du Gué Trouin, and making in all fourteen ſail; one of ſeventy-two guns, others of ſixty, ſome of fifty, and none under forty. Some advertiſements were brought to the admiralty of this conjunction, but they were not believed.

Oct. 10. When the French ſet upon the Engliſh ſhips off the Lizard, the convoy did their part very gallantly, though the enemy were almoſt three to one. One of the Engliſh men of war was blown up, and three of them were taken, ſo that only one

one escaped much shattered; but they had fought so long, 1707.
that most of the merchant-ships had time to get away; and sailed on, not being pursued, and got safe to Lisbon. This coming almost at the same time with the loss of admiral Shovel, the session of parliament began with a melancholy face, and a dispute, upon the opening, had almost put the houses into great disorder.

It was generally thought, that, though this was a parliament that had now sat two years, yet it was a new parliament, by reason it had been let fall, and was revived by a proclamation, as has been said. The consequence of this was, that they, who had got places, were to be re-elected. Others maintained, that it could not be a new parliament, since it was not summoned by a new writ, but by virtue of a clause in an act of parliament. Mr. Secretary Harley was for maintaining it to be an old parliament: but the duke of Marlborough, upon his coming over, prevailed to have it yielded to be a new one. Accordingly, when, on the 23d of October, the first parliament of Great-Britain met at Westminster, all the forms usual in the beginning of a new parliament were observed. The queen came to the house of peers, and, the commons being sent for, they were directed by the lord-chancellor to return to their house, and chuse a speaker, and present him that day se'nnight. They unanimously made choice of Mr. Smith, their former speaker, and then adjourned to the 30th of the same month. The lords adjourned to the same day, after thirteen peers, of that part of Great-Britain called Scotland, had been admitted to their places, by virtue of their respective writs, each being introduced by two English peers of the same rank.

Dispute about the Parliament.

The session of the first parliament of Great-Britain. Oct 23.

On the 30th, the queen came again to the house of peers, and the commons, being sent for, presented their speaker, whose election was approved. Then the lord-chancellor acquainted both houses with her majesty's pleasure, that they should adjourn to the 6th of November; on which day the queen made the following speech to both houses:

"My lords and gentlemen,

The Queen's speech to the first parliament. Nov. 6. Fr. H. C. IV. 78.

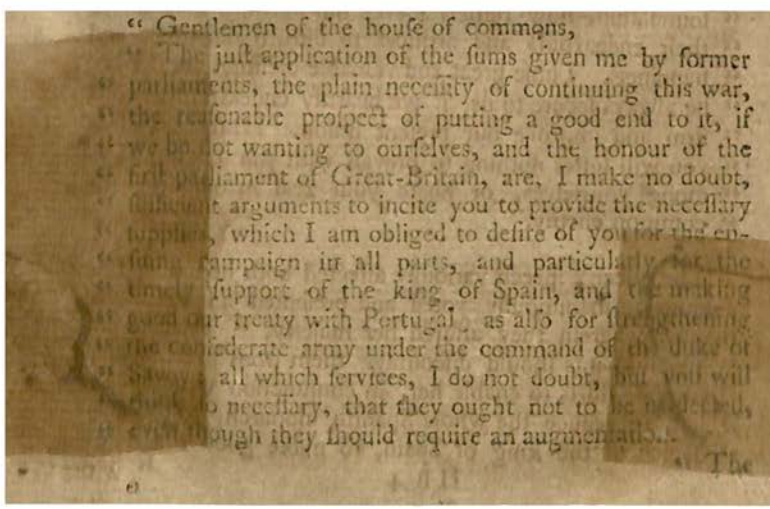
"IT is with all humble thankfulness to Almighty God, and entire satisfaction to myself, that I meet you here in this first parliament of Great-Britain, not doubting, but you come with hearts prepared, as mine is, to make this union so prosperous, as may answer the well-grounded hopes of all my good subjects, and the reasonable apprehensions of our enemies.

1707. " To this end nothing is ſo immediately material, as to " convince, as ſoon as poſſible, both our friends and our " enemies, that the uniting of our intereſts has not only " improved our abilities, but our reſolutions alſo, to proſe- " cute this juſt and neceſſary war, till we obtain a ſafe and " honourable peace for ourſelves and for our allies.

" In ſo great and extenſive a war as this is, many things " may be uſefully undertaken, which are not fit to be com- " municated before-hand. The attempt upon Toulon was " of this nature; and, though it had not wholly its deſired " effect, has nevertheleſs been attended with many great " and obvious advantages to the common cauſe in this " year, and has made our way more eaſy, I hope, to greater " in the next.

" As the French have gained ground upon us in Spain, " ſo they have been wholly driven out of Italy, by which it " is become more eaſy for all the allies to join their aſſiſt- " ance next year for enabling the king of Spain to recover " his affairs in that kingdom, and to reduce the whole Spa- " niſh monarchy to his obedience.

" The weakneſs and ill poſture of affairs upon the Rhine, " in the beginning of the year, has given an opportunity " to the French to make themſelves ſtronger in all other " parts: But this defect ſeems in a very promiſing way of " being fully remedied againſt next campaign, by the con- " duct and authority of the elector of Hanover, whoſe ſea- " ſonable acceptance of that command has ſtrengthened and " obliged the whole confederacy.


" Gentlemen of the houſe of commons,

" The juſt application of the ſums given me by former " parliaments, the plain neceſſity of continuing this war, " the reaſonable proſpect of putting a good end to it, if " we be not wanting to ourſelves, and the honour of the " firſt parliament of Great-Britain, are, I make no doubt, " ſufficient arguments to incite you to provide the neceſſary " ſupplies, which I am obliged to deſire of you for the en- " ſuing campaign in all parts, and particularly for the " timely ſupport of the king of Spain, and the making " good our treaty with Portugal; as alſo for ſtrengthening " the confederate army under the command of the duke of " Savoy; all which ſervices, I do not doubt, but you will " think ſo neceſſary, that they ought not to be neglected, " even though they ſhould require an augmentation.

" The

" The ſums already expended in this war have been very great; and they are ſufficient proofs how well ſatisfied my ſubjects have always been with the ends of my government; of which I am ſo ſenſible, as never to aſk any ſupplies from them, but what are abſolutely neceſſary for the preſervation of religion and liberty. I look upon it as my great happineſs, that I have not the leaſt intereſt ſeparate from that of all my good ſubjects. 1707.

" My lords and gentlemen,

" In a work ſo great and new in its kind as that of the union, it is impoſſible, but that ſome doubts and difficulties muſt have ariſen, which, however, I hope, are ſo far overcome, as to have defeated the deſign of thoſe, who would have made uſe of that handle to foment diſturbances.

" There are ſeveral matters expreſsly made liable, by the articles of the union, to the conſideration of the parliament of Great-Britain, which, together with ſuch others, as may reaſonably produce thoſe advantages, that, with due care, muſt certainly ariſe from that treaty, I earneſtly recommend to your ſerious conſideration.

" On my part, nothing ſhall be wanting to procure to my people all the bleſſings, which can follow from this happy circumſtance of my reign, and to extinguiſh by all proper means the leaſt occaſions of jealouſy, that either the civil or religious rights of any part of this my united kingdom can ſuffer by the conſequences of this union.

" Such a ſuggeſtion ſhall never, in my time, have any foundation, how reſtleſs ſoever our enemies may be in their endeavours and artifices to diſturb our peace and happineſs. Thoſe great and valuable bleſſings cannot but be always ſecure to us, if we heartily endeavour to confirm and improve our preſent union. I hope therefore you will ſuffer nothing to prevail with you to diſunite among yourſelves, or abate your zeal in oppoſing the common enemy."

The queen's ſpeech variouſly affected both houſes. The commons unanimouſly voted and preſented an addreſs of thanks, wherein they aſſured her majeſty, " That no diſappointments ſhould diſcourage them from making their utmoſt efforts to enable her, in conjunction with her allies, to reduce the whole Spaniſh monarchy to the obedience of the king of Spain, to make good the treaty

Addreſs of the Commons. Pr. H. L. V. 2.

1707. "with Portugal, and to ſtrengthen the confederate army "under the command of the duke of Savoy." But in the

Pr. H. L. II. 179. houſe of lords, when the queen's ſpeech came firſt under conſideration, inſtead of voting immediately an addreſs of thanks, the earl of Wharton made a ſpeech, wherein, among other things, he took notice of the great decay of trade, and ſcarcity of money, which he had obſerved in travelling in the country, ſo that the farmers were not able to pay their rents to their landlords. He was ſeconded by the lord Sommers, who enlarged on the ill ſtate and miſmanagements of the navy, and on the great loſſes of the merchants at ſea the laſt ſummer. The earl of Stamford (at that time made one of the commiſſioners of Trade) endeavoured to put a ſtop to the proſecution of this ſubject, by moving and poſtponing the conſideration of the ſtate of the nation till a more proper occaſion, and propoſed the returning thanks to the queen for her ſpeech. This was oppoſed by the duke of Buckinghamſhire, the earl of Rocheſter, and the lord Guernſey; who urged, that they ought, in the firſt place, to conſider the ſtate of the nation; inſinuating, at the ſame time, that addreſſes had before been made to little purpoſe; meaning, with relation to the navy. After ſome other ſpeeches, it was ordered, that the ſtate of the nation ſhould be taken into conſideration, Nov. 19, in a committee of the whole houſe, where the queen was preſent incognito. The lord Herbert of Cherbury being choſen chairman, a petition given in by the two ſheriffs of London, and ſubſcribed by about two hundred of the moſt eminent merchants of the city, was read, complaining of the great loſſes, which they had lately ſuſtained at ſea, for want of convoys and cruiſers, and begging a ſpeedy remedy. After the reading of this petition, which was preſented to the committee by the earl of Wharton, he began the debate, by laying open the miſerable condition of the nation, and the great decay of trade. Several other peers ſpoke to the ſame effect; and, among the reſt, the lord Haverſham, in his uſual manner, made a long ſpeech (1).

The

(1) The moſt material paſſages of this ſpeech were theſe: My lord Herbert, —— The [illegible] things you have now under [illegible] conſideration, your fleet [illegible] have ſo near a [illegible] mutual influence upon each other, they cannot well be ſeparated. Your trade is the mother and nurſe of your ſeamen; your ſeamen are the life of your fleet, and your fleet is the ſecurity and protection of your trade; and both together

The debate growing high, ſome lords endeavoured to allay it, by propoſing ways and means to retrieve our loſſes at ſea; and, among the reſt, the lord Halliſax moved, That a committee be appointed to receive propoſals for encouraging of trade and privateers in the Weſt-Indies; which motion being ſeconded by the lord-treaſurer, and the queſtion put, the ſame was carried in the affirmative. After which, a day was appointed to hear, in a grand committee, what the merchants had to alledge, to prove the ſuggeſtions of their petition. It was obſerved, that, as ſoon as the debate was over, the duke of Marlborough took the earl of Wharton aſide, and there paſſed ſome warm expoſtulations between them. 1707.

The

together are the wealth, ſtrength, ſecurity, and glory of Britain.

And this is ſo manifeſt, that thoſe who have writ upon theſe ſubjects, whether foreigners, or among ourſelves, have all owned it: Which makes it aſtoniſhing, that a thing ſo clear and evident, and wherein our intereſt and ſafety do ſo much conſiſt, ſhould be poſtponed to any foreign conſideration whatſoever; wherein we are leſs concerned. But we are ſo unhappy as to ſtruggle with ſo many complicated difficulties, that what is proper for one thing, is prejudicial to another.

My lord,—Your diſaſters at ſea have been ſo many, a man ſcarce knows where to begin. Your ſhips have been taken by your enemies, as the Dutch take your herrings, by ſhoals upon your own coaſts: Nay, your royal navy itſelf has not eſcaped. And theſe are pregnant misfortunes, and big with innumerable miſchiefs. Your merchants are beggared; your commerce is broke; your trade is gone; your ſtaple and manufacture ruined! The queen has loſt her cuſtoms, and the parliament muſt make good the deficiencies, while, in the mean time, our allies have an open and flouriſhing trade, and our enemies make uſe both of our own ſhips and ſeamen too againſt us!

There is yet a farther grievance: When, through a thouſand difficulties and dangers, the honeſt trader has brought home ſome ſmall effects, he is fallen upon and oppreſſed by vexatious and unjuſt proſecutions. I mention this with relation to the union, and to ſhew, that, though I was always againſt it, yet, ſince it is made, I am for keeping firm and exactly to it.

My lord, the face of our affairs is viſibly changed in the ſpace of one year's time, and the temper of the nation too. Formerly men ſtifled their misfortunes, and were afraid of whiſpering them out, for fear of being overheard, and undone. Now it is hard to ſtop their mouths, or keep them within any bounds. The moving objects of ſorrow we meet with every where, the tears of the father-

1707.

Supply voted.

The commons, in a great meafure, made good their affurances to the queen, and chearfully voted the neceffary fupplies for the navy, land-forces, and fome other occafions.

Complaints of the Admiralty.

But, at the fame time, upon a petition of feveral merchants of London, complaining of the want of cruifers in the channel and foundings, the commons, in a grand committee, took into confideration the ftate of the navy, and trade of the nation; and, a great many merchants being admitted into the houfe, to make good the allegations in their petition, Mr. Heathcote, fon of Sir Gilbert Heathcote, and Mr. Dawfon, his partner, two Ruffia merchants, made long fpeeches againft the admiralty, whom they charged with frauds, malice, and ignorance, particularly in relation to the Ruffia fleet. Some members endeavoured to interrupt them; but Sir Richard Onflow, the chairman of the committee, defired them to proceed, which they did with great freedom, and offered to prove what they had advanced, both by papers, and the teftimony of many merchants there prefent. However, this debate was adjourned to the 4th of December,

fatherlefs, and cries of the widows, have raifed both a compaffion for the diftreffed, and a refentment and indignation againft the authors of thofe misfortunes; and the very fames, which of late have flew abroad, no body knows from whence, and papers, which have been cried in your ftreets, are all marks of the great ferment the nation is in.

My lord, you are now upon the inquiry, by what ways and perfons we have been brought into this miferable condition. I think it very indifferent which way you proceed. It feems reafonable, that thofe lords, who firft moved this order, fhould [illegible] what method they [illegible]; but I fhall take leave to fay, that, begin where you will, if you do not end with the miniftry, we fhall be in a worfe condition, in my opinion, than we were before.

As to the admiralty, if the prince's council have committed any fault, it is very fit they fhould have what they deferve; but, I hope, no perfuafion will prevail with the prince himfelf to lay down that commiffion. The navy, I think, is fafer in his hands, than in any other man's hands whatfoever, and I will give your lordfhip my reafon for it. He has advantages no other perfon can pretend to. He owes not his commiffion to the favour of any great minifter whatfoever, nor is he within the reach of their power. He ftands upon a much more unfhaken and firm foundation; and, if there be any miftake, it is impoffible to be the effect either of the fear, or the anger of a great minifter, or a care to pleafe him.

My lord, I take the root of all our misfortunes to lie in the miniftry; and without a change of

December, when admiral Whetſtone was ordered to attend, 1707.
with the journal of his voyage towards Ruſſia. But, after all, the affair ended only in this reſolution, "That for the "better ſecuring the trade of this kingdom, over and above "the ſhips of war for the line, and the convoys to remote "parts, a ſufficient number of ſhips (which was afterwards "ſettled to four) be appointed to cruiſe in proper ſtations." And a bill was ordered to be brought in for that purpoſe.

The loſſes at ſea complained of were imputed to the weakneſs, or to a worſe diſpoſition in ſome, who had great credit with the prince of Denmark, and were believed to govern that whole matter (particularly Mr. George Churchill) for, as they were entirely poſſeſſed of the prince's confidence, ſo, when the prince's council was divided in their opinions, the deciſion was left to the prince, who underſtood very little of thoſe matters, and was always determined by others. By this means they were really lord-high-admiral;

of miniſtry, in my opinion, no other remedy will be effectual. I may perhaps be told by ſome lord, that I arraign the miniſtry. I know that is not proper here; yet every lord has liberty of ſpeaking his thoughts freely, and taking notice of any thing he thinks a grievance to the nation: And it is under this notion of complaint, and from a ſenſe of our miſerable condition, that I ſay this to your lordſhip; and, if I were not confident I ſtand upon ſure ground, I ſhould not venture thus far; but I have my juſtification in my hand. And now, my lord, it is fit I ſhould prove what I ſay.

Should I mention the breach of the firſt, fourth, and laſt articles of the union, I am within your order; and thoſe lords, who ſerve, at preſent, for the north part of Britain, I am confident have heard of a complaint and addreſs of the royal boroughs. And I might remember the diſappointment we have met with in Spain. But I hope thoſe two points will be ſome time or other conſidered. I will therefore keep myſelf for proof ſtrictly to your petition; and, I think, nothing is more evident, than that your miniſtry has been the cauſe of theſe misfortunes; and the argument, which convinces me of it, is drawn from an addreſs of your lordſhips in 1704, which I have in my hand. I know before whom I ſpeak: The queen is a princeſs of that conſummate wiſdom, as not to do any thing without the advice of her miniſtry. Your lordſhips did then moſt humbly adviſe and addreſs her majeſty, that particular care might be taken of theſe points. None but thoſe that have her majeſty's ear, could prevail to the contrary; and the want of following your lordſhips advice has loſt the nation near ten millions ſince; and therefore it evidently follows, that your miniſtry have been the occaſion of thoſe loſſes.

1707. ral, without being liable to the laws for errors and miſcarriages. This council was not a legal court, warranted by any law, though they aſſumed that to themſelves: Being counſellors, they were bound to anſwer only for their fidelity. The complaints were feebly managed at the bar of the commons; for it was ſoon underſtood, that not only the prince, but the queen likewiſe concerned herſelf much in this matter; and both looked on it as a deſign levelled at their authority. Both whigs and tories ſeemed to be at firſt equally zealous in the matter; but, by reaſon of the oppoſition of the court, all thoſe, who intended to recommend themſelves to favour, abated of their zeal. Some were vehement in their endeavours to baffle the complaints. They had great advantages from the merchants managing their complaints but poorly; ſome were frighted, and others were practiſed upon, and carried even to magnify the conduct of the fleet, and to make excuſes for all the misfortunes that had happened. That, which had the chief operation on the whole tory party, was, that it was ſet round among them, that the deſign of all theſe complaints was to put the earl of Orford again at the head of the fleet: Upon which they all changed their note, and they, in concurrence with thoſe, who were in offices, or pretended to them, managed the matter ſo, that it was let fall very little to their honour; and ſevere remarks were made on ſome, who had changed their conduct upon their being preferred at court.

Their complaints examined by the Lords.

The affair was proſecuted with more zeal and courage in the houſe of lords. The committee appointed to examine the complaints, called the merchants, who had ſigned the petition, before them, and treated them not with the ſcorn, that was very indecently offered them by ſome of the houſe of commons, but with great patience and gentleneſs. They obliged them to prove all their complaints by witneſſes upon oath. In the proſecution of the inquiry it appeared, that many ſhips of war were not fitted out to be put to ſea, but lay in port neglected, and in great decay: That convoys had been often flatly denied the merchants; and that, when they were promiſed, they were ſo long delayed, that the merchants loſt their markets, were put to great charge, and, when they had periſhable goods, ſuffered great damage in them. The cruiſers were not ordered to proper ſtations in the channel; and when convoys were appointed, and were ready to put to ſea, they had not their ſailing orders ſent them, till the enemies ſhips were laid in their way, prepared to fall on them; which had often happened. Many adver-

tiſe-

ſtements, by which thoſe misfortunes might have been prevented, had been offered to the admiralty, but had not only been neglected by them, but thoſe, who offered them, had been ill treated for doing it. The committee made a report of all this to the houſe of lords; upon which the lord-treaſurer moved, that a copy of the report might be ſent to the lord-admiral, which was done, and, in a few days, an anſwer ſent to the houſe, excuſing or juſtifying the conduct of the admiralty in all the branches of it. The chief foundation of the anſwer was, that the great fleets, which were kept in the Mediterranean, obliged them to ſend ſo many of the ſhips and ſeamen thither, that there was not a ſufficient number left to guard all the trade, while the enemy turned all their forces at ſea into ſquadrons for deſtroying it; and that all the ſhips, that could be ſpared from the public ſervice abroad, were employed to ſecure the trade. That the promiſe of convoys had often been delayed by reaſon of croſs winds, and other accidents, that had hindered the return of the men of war longer than had been expected, they being then abroad, convoying other merchant-ſhips: And it was ſaid, that there was not a ſufficient number of ſhips for cruiſers and convoys both. The paper ended with ſome ſevere reflections on the laſt reign, in which great ſums had been given for the building of ſhips, and yet the fleet was at that time much diminiſhed, and four thouſand merchant-ſhips had been taken during that war. This was believed to have been ſuggeſted by Mr. Secretary Harley, on deſign to mortify king William's miniſtry. Upon reading of this anſwer, a newer and fuller examination of the particulars was again reſumed by the ſame committee; and all the allegations in it were exactly conſidered. It appeared, that the half of thoſe ſeamen, whom the parliament had provided for, were not employed in the Mediterranean; that many ſhips lay idle in the port, and were not made uſe of; and that in the laſt war, in which it appeared there were more ſeamen, though not more ſhips, employed in the Mediterranean than were now kept there, yet the trade was ſo carefully looked after by cruiſers and convoys, that few complaints were then made. And as to the reflections made on the laſt reign; it was found, that not one half the ſum, that was named, was given for the building of ſhips; and, that inſtead of the fleet's being diminiſhed during that war, as had been affirmed, it was increaſed by above forty ſhips; nor could any proof be given, that four thouſand ſhips were taken during that war. That all the ſeamen, who were then 1707.

1707. then taken and exchanged, did not exceed fifteen thouſand; and in the preſent war eighteen thouſand were already exchanged, and there were two thouſand ſtill remaining in the enemy's hands; ſo much had the prince been impoſed upon in that paper, that was ſent to the lords in his name.

When the examination was ended, and reported to the houſe, it was reſolved to lay the whole matter before the queen in an addreſs; and then the tories diſcovered the deſign, that they drove at; for they moved in the committee, that prepared the addreſs, that the blame of all the miſcarriages might be laid upon the miniſtry, and on the cabinet council. It had been often ſaid in the houſe of lords, that it was not intended to make any complaint of the prince himſelf; and it not being admitted, that his council was of a legal conſtitution, the complaining of them would be an acknowledging their authority; the blame therefore could be regularly laid no where, but on the miniſtry. This was much preſſed by the duke of Buckinghamſhire, the earl of Rocheſter, and the lord Haverſham. But to this it was anſwered by the earl of Orford, the lord Sommers, and the lord Hallifax, that the houſe ought to lay before the queen only that, which was made out before them upon oath; and therefore, ſince in the whole examination the miniſtry and the cabinet council were not once named, they could offer the queen nothing to their prejudice. Some of the things complained of fell on the navy-board, which was a body acting by a legal authority. The lords ought to lay before the queen ſuch miſcarriages, as were proved to them, and leave it to her to find out, on whom the blame ought to be caſt. So far was the miniſtry from appearing to be in fault, that they found ſeveral advertiſements were ſent by the ſecretaries of ſtate to the admiralty, which, as appeared afterwards, were but too well-grounded; and yet theſe were neglected by them; and that, which raiſed the clamour higher, was, that, during the winter, there were no cruiſers lying in the channel; ſo that many ſhips, which had run through all dangers at ſea, were taken in ſight of land; for the privateers came up boldly to our ports. All this was digeſted into a full and clear addreſs laid by the houſe before the queen (1); who, in her anſwer, aſſured their lordſhips,

That

(1) It was dated on the 25th of February, 1707-8, and began thus:

'We your majeſty's moſt dutiful and obedient ſubjects, the lords ſpiritual and temporal

"That she would take care to make the most useful ob- 1707.
"servations on the several particulars contained and referred
"to

'ral in parliament assembled, 'do humbly acquaint your ma-'jesty, that early in this session 'of parliament a petition of 'several merchants, on behalf 'of themselves and others, tra-'ders of the city of London, 'was presented to the house, 'whereby they complained of 'great losses by the ill-timing 'of convoys, and for want of 'cruisers; so that they durst no 'longer engage the remainder 'of their estates to carry on 'their several trades, unless im-'mediate care was taken to 'remedy these two main causes 'of their misfortunes.

'This petition containing 'complaints of great conse-'quence to your majesty's sub-'jects; and we being sensible, 'that nothing but a strict and 'impartial enquiry into matters 'of fact could put them in a 'due light, and enable us to 'distinguish between ill-ground-'ed clamours and a just cause 'of complaint, in order to take 'the usual method of being 'rightly and fully informed, 'did refer the petition to a 'committee, and did also refer 'to the same committee several 'papers, which the house had 'found necessary to call for 'from the proper officers, for 'their better information in di-'vers things relating to the 'navy.

'The committee having pre-'pared a report, and presented 'it to the house, upon a ma-'ture consideration it was ap-'proved and agreed to; and 'we think it our duty humbly 'to lay the same before your 'majesty.

'The lords committees have 'heard many of the petitioners 'upon their oaths, and have 'caused them to put their de-'positions into writing, and 'sign the same.

'The lords committees ob-'serving, that the complaints 'of the petitioners naturally 'fell under several heads, for 'the greater ease of the house, 'have endeavoured in their re-'port to reduce the evidence, 'to the following method, al-'ways referring, as they pro-'ceed, to the depositions them-'selves.

'One thing complained of 'was, the insufficiency of con-'voys appointed for the mer-'chants, whereby their ships 'had from time to time become 'a prey to the superior force of 'the enemy.

'A second point was, The 'merchants suffered great dis-'couragement by their being 'forced to wait long for con-'voys, even after the time pro-'mised and prefixed for their 'sailing; whereby the charge 'of seamen's wages and vic-'tuals, demurrage of shipping, 'damage of goods, and loss of 'markets made trading insup-'portable.

'A third ground of com-'plaint was, The untimely and 'unseasonable sailing of con-'voys, whereby trade to the 'West-Indies especially, was in 'a manner ruined.

'A fourth was, the great 'want of cruisers in the channel 'and soundings.

'A

1707. " to in their addreſs: That it was always her opinion, that " the encouragement of trade and ſeamen, and the good " manage-

' A fifth complaint was, concerning the arbitrary proceedings of the captains of the queen's ſhips of war, in impreſſing ſeamen out of the merchant-ſhips in the Weſt-Indies; as alſo upon their return into the ports of Great-Britain, to the endangering of many, and loſs of ſeveral ſhips.'

The addreſs concludes in theſe terms:

' We, having thus performed, what we took ourſelves to be indiſpenſibly obliged to do, cannot doubt but it will be graciouſly accepted by your majeſty, as coming from moſt dutiful ſubjects, who ſincerely wiſh they may never have occaſion hereafter of making addreſſes to your majeſty, but to congratulate your ſucceſſes, or to return our humble acknowledgements for the bleſſings of your reign.

We beſeech your majeſty to believe, that none of your ſubjects do exceed us in true reſpect to his royal highneſs the lord-high-admiral. His great perſonal virtues require it; and his near relation to your majeſty makes it our duty. And as we do not mean any thing in this addreſs ſhould in the leaſt reflect upon him; ſo we are very well aſſured, his royal highneſs will never ſuffer other perſons to protect themſelves under his name from a juſt purſuit of ſuch faults and neglects, as immediately tend to the ruin of trade, and the deſtruction of Britain.

' There cannot be a plainer proof, that ſome perſons, employed by the lord-high-admiral, have made the worſt uſe imaginable of the truſt he honours them with, than in their preſuming to lay ſuch an anſwer before the houſe of lords in his name. For, not to take notice of the many things (which in the ſecond report have been already laid before your majeſty) throughout the whole paper, there is not the leaſt hopes given, that for the future any better care ſhall be taken of the trade. On the contrary, the whole turn of the anſwer ſeems to be intended for expoſing the complaints of the merchants, rather than pitying their loſſes. We are ſure nothing can be more remote from the goodneſs and compaſſion of the lord-high-admiral's temper, and the tender regard he has always ſhewn for your majeſty's ſubjects.

' May it pleaſe your majeſty,

' It is a moſt undoubted maxim, that the honour, ſecurity, and wealth of this kingdom does depend upon the protection and encouragement of trade, and the improving and right managing the naval ſtrength. Other nations, who were formerly great and powerful at ſea, have, by negligence and miſmanagement,

" management of the navy, were of the greateſt importance 1707.
" to the proſperity of this kingdom: And that therefore ſhe
" would uſe her utmoſt endeavours to encourage all thoſe,
" whoſe duty it was effectually to perform thoſe ſervices."
But nothing followed upon this anſwer; and the queen ſeemed to be highly offended at the whole proceeding.

On the 22d of November, upon a petition of ſeveral merchants of Scotland, complaining, " That goods and mer- Scotch merchants
" chandizes (particularly French wines) brought by them relieved.
" into England, ſince the firſt of May laſt, had been ſeized; Pr. H. C. IV. 74.
" and that the petitioners were under a proſecution in the
" Exchequer for the value thereof, and praying relief
" touching the ſame;" the commons reſolved to addreſs the queen, that ſhe would order the attorney-general to enter a Noli proſequi, to diſcharge the ſeveral informations relating to the goods imported, cuſtom-free, from Scotland, before the firſt day of May laſt. The queen readily complied with this addreſs, both the court and parliament being willing, by this indulgence, to abate the diſcontents of the Scots againſt the union.

But, on the other hand, the commons ordered a bill to be brought in to repeal the acts paſſed in Scotland, for the ſecurity of that kingdom, and about peace and war, which had given ſo great a jealouſy to the Engliſh nation, that the reſcinding of them was one of the principal views of the miniſtry, in the proſecution of the treaty of union. This done, the commons conſidered thoſe parts of the queen's ſpeech relating to the making the union more compleat, and reſolved, on the 11th of December, " 1. That there be but one privy- Reſoluti-
" council in the kingdom of Great-Britain. 2. That the ons to
" militia of that part of Great-Britain called Scotland be make the
" regulated, in the ſame manner as the militia of that Union
" part more compleat.

The acts of ſecurity and about peace and war, ordered to be repealed.

' loſt their trade, and ſeen their ' maritime ſtrength intirely ruined. Therefore we do in the moſt earneſt manner beſeech your majeſty, that the ſea-affairs may be your firſt and moſt peculiar care. We humbly hope, that it ſhall be your majeſty's chief and conſtant inſtruction to all, who ſhall have the honour to be employed in your councils, and in the adminiſtration of

' affairs, that they be continually intent and watchful in what concerns the trade and fleet; and that every one of them may be made to know it is his particular charge to take care, that the ſeamen be encouraged, the trade protected, diſcipline reſtored, and a new ſpirit and vigour put into the whole adminiſtration of the navy.'

1707. "part of Great-Britain called England is regulated. 3. That "the powers of juſtices of peace for preſerving the public "peace be the ſame throughout the whole united kingdom. "4. That, for the better adminiſtration of juſtice, and pre-"ſervation of the public peace, the lords of juſticiary be ap-"pointed to go circuits twice in the year. 5. That the "writs for electing members to ſerve in the houſe of com-"mons, for that part of Great-Britain called Scotland, be "directed to the ſheriffs of the reſpective counties, and that "the returns be made of ſuch writs, in like manner as re-"turns are made of ſuch writs in that part of Great-Britain "called England." And they ordered a bill to be brought in upon theſe reſolutions. Two days after they took into conſideration the report from the committee, to whom the petition of ſeveral merchants trading to Portugal, Italy, and Spain, was referred; which reſolutions were agreed to by the houſe, viz. "Firſt, That the merchants had fully "made out the ſeveral allegations of their petitions: Se-"condly, That the preſerving the Portugal trade was of the "utmoſt concern to this nation, being, at preſent, the greateſt "mart for vent of our woollen manufactures, corn, fiſh, and "other Britiſh commodities. Thirdly, That there was a "conſiderable colluſive trade in French prize-wines carried "on before, and more increaſed ſince the falling of the fif-"teen pounds per tun. Fourthly, That except effectual "proviſion were made to prevent the like practices, with "relation to the colluſive trade of bringing in French wines, "as if they were prize-wines, it would not only be a great "diſcouragement to the Portugal trade, and traders, but "indanger the intire loſs thereof." And a bill was ordered to be brought in upon the laſt reſolutions. Then, the ſtate, accounts, and liſts relating to the forces in Spain and Portugal, having been laid before the houſe, the conſideration of the ſtate of the war in thoſe parts was deferred till the 7th of January; and ſeveral other papers relating to thoſe affairs were ordered to be laid before the houſe (1).

Reſolutions about the trade of Portugal, Italy, and Spain.

On

(1) While theſe things were depending, the commons, on the 25th of November, took into conſideration the report of the committee appointed to examine the petition of Mr. John Aſgill, a member of the houſe, in priſon in the Fleet for debt, at the ſuit of Mr. Holland, a Staffordſhire gentleman; which report was ordered to be re-committed. On the other hand, the houſe being informed of a printed book or pamphlet, ſigned J. Aſgill, intitled, An argument, proving, that, according to the

con-

On the 18th of December, the queen came to the houſe of lords, and having paſſed ſome money-bills, and the act for repealing the Scotch acts of ſecurity, and about peace and war, made the following ſpeech to both houſes: 1707.

" My lords and gentlemen,

" I Am very well pleaſed with the occaſion of my coming hither at this time, and deſirous to take this opportunity of expreſſing to you the ſatisfaction I have in ſeeing ſo good a progreſs made in the public buſineſs.

" Gentlemen of the houſe of commons,

" I am extremely ſenſible of the readineſs and affection, with which you have provided ſo conſiderable a part of the ſupplies. As I am fully perſuaded it muſt needs give the greateſt ſatisfaction to all our allies; ſo I look upon it as a ſure pledge of your being diſpoſed to make good thoſe hearty aſſurances, which you gave me in the beginning of the ſeſſion.

" I

covenant of eternal life, revealed in the ſcriptures, man may be tranſlated from hence into that eternal life, without paſſing through death, altho' the human nature of Chriſt himſelf could not be thus tranſlated, till he had paſſed thro' death. Several paſſages of which treatiſe being contrary to, and reflecting on the chriſtian religion, the book was brought up to the table, and the title, and ſeveral paragraphs therein, being read, it was ordered, That it be referred to a committee to inquire into the author of the ſaid book. On the 16th of December, the commons reſolved, That Mr. Aſgill ought to have the privilege of the houſe, as a member thereof, and be delivered out of the cuſtody of the warden of the Fleet, to attend the ſervice of the houſe. Purſuant to which reſolution, he was immediately diſcharged; but two days after the houſe proceeded to take into conſideration the report from the committee, to whom it was referred to examine, who was the author, printer, and publiſher of the book above-mentioned, aſcribed to Mr. Aſgill; who having been heard in his place in relation to the report, the commons reſolved, That in the ſaid book are contained many profane and blaſphemous expreſſions, highly reflecting upon the chriſtian religion; and ordered the ſame to be burnt by the hands of the common hangman in the New-Palace-yard, Weſtminſter; and reſolved, that John Aſgill, Eſq; having in his place owned himſelf to be the author of the ſaid book, be expelled the houſe.

1707. "I told you, at the opening of this parliament, that I "did hope you would look upon the ſervices relating to "Spain, Portugal, and the army under the command of "the duke of Savoy, to be of ſo much importance in the "proſecution of this war, that they might deſerve an aug-"mentation; which I cannot but think will be of the great-"eſt uſe to the common cauſe (1), both with regard to "thoſe

(1) Mr. Addiſon wrote an excellent piece to this purpoſe, which was printed at London in 4to in 1708, under the title of The preſent State of the War, and the Neceſſity of an Augmentation conſidered. In this diſcourſe, after having ſhewn, that the French are the conſtant and moſt dangerous enemies to the Britiſh nation, and that the danger from them was then greater than ever, and would ſtill increaſe till the union with Spain were broken, he ſets forth the ſeveral advantages, which this union had already given France, and taken from Great-Britain, in relation to the Weſt-Indies, the woollen manufactures, the trade of the Levant, and the naval power of the two nations. He then ſhews how theſe advantages would ſtill riſe higher after a peace, notwithſtanding the preſent conqueſts of Great Britain, with new additions, ſhould be confirmed to the nation, as well becauſe the monarchy of Spain would not be weakened by ſuch conceſſions, as becauſe no guarantee could be found ſufficient to ſecure them to us. For which reaſon he lays it down as a fixed rule, that no peace was to be made without an intire diſunion of the French and Spaniſh monarchies. That this might be brought about, he endeavours to prove from the progreſs which had been already made towards it, and the ſucceſſes, which the Britiſh nation had purchaſed in the war, and which were very conſiderable, if well purſued; but of no effect, if the nation ſhould acquieſce in them. In order to compleat this diſunion, in which we had gone ſo far, he would not have us rely upon exhauſting the French treaſury, attempts upon the Spaniſh Indies, deſcents on France, but chiefly on out-numbering them in troops, France being already drained of her beſt ſupplies, and the confederates maſters of much greater forces for multitude and ſtrength, both in men and horſes, and provided with generals of great fame and abilities. He then conſiders the wrong meaſures, which had been hitherto taken in making too ſmall levies after a ſucceſsful campaign, in regulating their number by that of the enemy's forces, and hiring them of our confederates; ſhewing at the ſame time the inconveniencies ſuffered from ſuch hired troops, and ſeveral advantages, which would ariſe from employing thoſe of our own nation. He further recommends this augmentation of our forces, to prevent the keeping up a ſtanding body of them in time of

" theſe particular ſervices, and to the putting ourſelves in a 1707.
" condition to improve ſuch favourable opportunities, as
" may ariſe in the enſuing year.

" My

of peace, to enable us to make an impreſſion on the enemy in the preſent poſture of the war, and to ſecure ourſelves againſt the king of Sweden, who was then at the head of a powerful army, and had not yet declared himſelf. In the laſt place he anſwers by ſeveral conſiderations thoſe two popular objections, that we furniſhed more towards the war than the reſt of the allies; and that we were not able to contribute more than we did already. With regard to the former objection, he obſerves, that if it were true in fact, that England contributed more than any other of the allies, he does not ſee any tolerable colour, that ſhe ſhould not make any addition to her preſent efforts. " Suppoſing, ſays he, among a multitude ' embarked in the ſame veſſel, ' there are ſeveral, that in the ' fury of a tempeſt will rather ' periſh than work for their ' preſervation; would it not be ' madneſs in the reſt to ſtand ' idle, and rather chuſe to ſink ' together, than to do more than ' comes to their ſhare? Since ' we are engaged in a work ſo ' abſolutely neceſſary for our ' welfare, the remiſſneſs of our ' allies ſhould be an argument ' for us to redouble our endeavours rather than ſlacken ' them. If we muſt govern ' ourſelves by example, let us ' rather imitate the vigilance ' and activity of the common ' enemy, than the ſupineneſs and negligence of our friends. ' We have indeed a much ' greater ſhare in the war than ' any other part of the confederacy. The French king ' makes at us directly, keeps a ' king by him to ſet over us, ' and hath very lately augmented the ſalary of his court, ' to let us ſee, how much he ' hath that deſign at heart. ' Few of the nations in war with ' him, ſhould they ever fall into his hands, would loſe their ' religion or form of government, or interfere at preſent ' with him in matters of commerce. The Dutch, who are ' likely to be the greateſt loſers ' after the Britons, have but ' little trade to the Levant in ' compariſon with ours, have ' no conſiderable plantations ' or commerce in the Weſt-' Indies, or any woollen manufacture, for Spain, not to ' mention the ſtrong barrier ' they have already purchaſed ' between France and their ' own country. But, after all, ' every nation in the confederacy makes the ſame complaint, and fancies itſelf the ' greateſt ſufferer by the war. ' Indeed in ſo common a preſſure, let the weight be never ' ſo equally diſtributed, every ' one will be moſt ſenſible of ' that part, which lies on his ' own ſhoulders. We furniſh, ' without diſpute, more than ' any other branch of the alliance, but the queſtion is, ' Whether others do not exert ' themſelves in proportion according to their reſpective

1707. "My lords and gentlemen,

"I ſhall only add, that as nothing is more eſſential to "my own quiet, and the happineſs of all my good ſubjects, "than the bringing this war to a ſafe and honourable con- "cluſion; ſo I muſt think myſelf obliged to look upon all "thoſe, who are willing and deſirous to ſupport me in it "for attaining that end, as the moſt proper objects of my "favour and encouragement.

"I cannot conclude, without once more recommend- "ing to you to confirm and improve the advantages of our "happy union, not doubting, but, at the ſame time, you "will have a due regard to what ſhall be found neceſſary "for preſerving the public peace, throughout the whole "iſland of Great-Britain."

Debate about the affairs of Spain. Pr. H. L. II. 183.

This ſpeech occaſioned, the next day, a long debate in the houſe of lords, in relation to the affairs of Spain, the queen being preſent. The earl of Rocheſter ſpoke firſt, and having commended the earl of Peterborough's courage and conduct, and enumerated his ſervices, ſaid, "That it had "been a conſtant cuſtom, that, when a perſon of his "rank, who had been employed abroad in ſo eminent a "poſt as his lordſhip, had returned home, he had either "thanks given him, or was called to an account; urging, "that the ſame ought to be done in relation to the earl of "Peterborough." The lord Halifax, who ſpoke next, en- larged likewiſe upon the earl's ſucceſsful ſervices, but waved the returning him thanks, till the whole tenor of his con- duct had been examined; than which the earl himſelf pro- feſſed, he had nothing more at heart. The lord Haver- ſham was not ſilent; but, having highly extolled the earl of Peterborough's valour, ſkill, and ſucceſs, made an ob- lique reflection on the earl of Galway, ſaying, "It was no "wonder our affairs in Spain went ſo ill, ſince the manage- "ment of them had been intruſted to a foreigner. Here- upon

'ſtrength? The emperor, the 'king of Pruſſia, the elector of 'of Hanover, as well as the 'States of Holland, and the 'duke of Savoy, ſeem at leaſt 'to come up to us. The great- 'eſt powers in Germany are 'borrowing money, where they 'can get it, in order to main- 'tain their ſtated quota's, and 'go thorough their part of the 'expence: And, if any of the 'circles have been negligent, 'they have paid for it much 'more in their late contribu- 'tions, than what would have 'furniſhed out their ſhare in 'the common charges of the 'war.'

3

upon ſeveral lords ſhewed the neceſſity of carrying on the war, till the whole monarchy of Spain ſhould be recovered, and king Charles ſettled upon his throne. And, among the reſt, the earl of Peterborough ſaid, "They ought to "give the queen nine ſhillings in the pound, rather than "make peace upon any other terms;" adding, "That, if "it were thought neceſſary, he was ready to return to Spain, "and ſerve even under the earl of Galway." This naturally brought on the conſideration of ways and means to retrieve the affairs of Spain, in relation to which, the earl of Rocheſter ſaid, "That we ſeemed to neglect the prin- "cipal buſineſs, and mind only acceſſories:" Adding, "That he remembered the ſaying of a great general, the "old duke of Schomberg, that the attacking France, in "the Netherlands, was like taking a bull by the horns." And therefore his lordſhip propoſed, "That we ſhould "ſtand on the defenſive in Flanders, and ſend from thence "fifteen or twenty thouſand men into Catalonia." He was ſeconded by the earl of Nottingham, who complained of Spain being, in a manner abandoned. But the duke of Marlborough endeavoured, with ſome warmth, to ſhew the danger of ſuch a ſcheme, and the neceſſity of augmenting, rather than diminiſhing the forces in Flanders. His chief reaſons were, "Firſt, that moſt of the enemy's ſtrong "places there might be kept with one battallion in each; "whereas the great towns of Brabant, which he had con- "quered, required twenty times that number of men for "their preſervation. Secondly, That if our army in the "Netherlands were weakened, and the French, by their "great ſuperiority, ſhould gain any conſiderable advantage, "the diſcontented party in Holland, who were not a few, "and bore with impatience the great charges of the war, "would not fail crying out aloud for peace." Here the earl of Rocheſter ſaid, "He wondered that noble peer, who had "ever been conſpicuous for his calmneſs and moderation, "ſhould now be out of his natural temper:" Adding, "That, "there being an abſolute neceſſity to ſuccour Spain, his grace "would oblige their lordſhips, if he would let them know "where they might get troops to ſend thither; and the obliga- "tion would be the greater, becauſe the earl of Peterbo- "rough had, that very day, aſſured them, that he had "heard prince Eugene ſay, That the German ſoldiers had "rather be decimated, than ſent into Spain." The duke of Marlborough anſwered the reproach of having ſhewed

1707.

The duke of Marlborough's ſpeech.

1707. ſome warmth, by ſaying, "The thing was of great "importance to be ſpoken of without concernment." And as for the queſtion propoſed by the earl of Rocheſter, he ſaid, "That although it was improper to diſcloſe ſecret "projects in ſo great an aſſembly" (to which, that day, many ſtrangers had been admitted, by reaſon of the queen's preſence) "becauſe the enemy would not fail being inform-"ed of them; yet, to gratify their lordſhips, he might aſ-"ſure them, that meaſures had already been concerted with "the emperor, for forming an army of forty thouſand men, "under the command of the duke of Savoy, and for ſend-"ing powerful ſuccours to king Charles:" Adding, "That "it was to be hoped, that prince Eugene might be pre-"vailed with to go and command in Spain; in which caſe "the Germans would gladly follow him thither. The only "difficulty, which his grace ſaid might be objected to this "ſcheme, was the uſual ſlowneſs of the court of Vienna; "to which purpoſe he took notice, that, if the ſeven thou-"ſand German recruits, which the emperor had promiſed "for the army in Piedmont, had arrived in time, the en-"terprize againſt Toulon would probably have been at-"tended with ſucceſs: But that it was to be hoped, and "he durſt engage his word for it, that, for the future, his "Imperial majeſty would punctually perform his promiſes."

This put an end to the debate; and a committee was appointed to draw up an addreſs to the queen, which was preſented the ſame day; wherein their lordſhips returned her majeſty "their moſt humble thanks for her moſt gra-"cious ſpeech to her parliament; adding, that the great "ſpirit and reſolution ſhe was pleaſed to expreſs for the "vigorous carrying on the war in Spain and Portugal, and "ſtrengthening the army of the duke of Savoy, who had "deſerved ſo well of the whole confederacy, could not "fail to contribute, in the moſt effectual manner, to bring "this war to a ſpeedy and happy concluſion. That ſuch "an example ought to excite all her allies to a noble imi-"tation; and their lordſhips were ſure, her majeſty would "do her utmoſt, to oblige ſuch of them, as hitherto had "failed in their parts, for the future, to act as thoſe, who "had a real concern for reſtoring and ſecuring peace and "liberty to Europe. That her majeſty's favour would al-"ways be the higheſt encouragement to her ſubjects; but "the zeal their lordſhips had for the preſervation of her "majeſty's perſon and government, and the duty they owed "to their country, always had, and ever would oblige

The lords addreſs to the queen.

"them

" to do all that lay in their power, for ſupporting her 1707.
" majeſty in this juſt war, till it were brought to a ſafe
" and happy concluſion. And as they had ſhewn the
" greateſt zeal for bringing the union to paſs, and for pre-
" venting every thing, that might diſturb it; ſo they unani-
" mouſly promiſed her majeſty, to do all that was poſſible
" for them, to make it compleat and intire."

The ſame day the lords reſolved, " Firſt, That no peace Reſoluti-
" could be ſafe or honourable for her majeſty and her al- ons of the
" lies, if Spain and the Spaniſh Weſt-Indies were ſuffered lords.
" to continue in the power of the houſe of Bourbon. Se-
" condly, That an humble addreſs be preſented to the
" queen, to thank her majeſty for the care ſhe had taken,
" and the inſtances ſhe had uſed with the emperor, for the
" ſending a conſiderable force for the relief of the king of
" Spain, under the command of prince Eugene; and to
" deſire her majeſty, that ſhe would continue to make the
" moſt preſſing inſtances to the emperor, to ſend power-
" ful ſuccours to Spain under the command of prince Eu-
" gene with expedition, and to make good the concert of
" putting twenty thouſand men under the command of the
" duke of Savoy; and that the emperor would alſo uſe his
" utmoſt power and intereſt for ſtrengthening the army on
" the Rhine, which was now happily put under the com-
" mand of that wiſe and valiant prince, the elector of Han-
" over." An addreſs, containing theſe reſolutions, was Both
accordingly drawn up; concluding, " They believed no houſes ad-
" part of this could be refuſed upon her majeſty's earneſt dreſs the
" interpoſition, who had done ſuch great things for the queen not
" houſe of Auſtria: And that, this being complied with, to make
" they might reaſonbly hope, by God's aſſiſtance, the next peace
" would prove a happy and glorious campaign." The without
commons, having, at the lords deſire, concurred in this the reſti-
addreſs, both houſes, in a body, preſented the ſame to her tution of
majeſty, who told them, " That ſhe was fully of their all Spain.
" opinion, that no peace could be honourable or ſafe for Dec. 23.
" them, or for their allies, till the intire monarchy of Spain
" be reſtored to the houſe of Auſtria; and very well
" pleaſed to find, that the meaſures, ſhe had concerted for
" the ſuccour of the king of Spain, were ſo fully approved
" by both houſes of parliament: And that ſhe ſhould con-
" tinue her moſt preſſing inſtances with the emperor, for
" the haſtening of further ſuccours, and that they might be
" commanded by prince Eugene: As alſo, upon all the other
"particulars mentioned in their addreſs."

Purſuant

1707. Purſuant to theſe aſſurances, the queen preſſed the emperor to ſend prince Eugene to Spain. The Imperial court delayed to comply in this particular, but (as will hereafter be ſeen) ſent count Staremberg thither, who had indeed acquired a very high reputation.

The 19th of December, the commons came to ſeveral reſolutions about the ſupply, ſo that, by the 22d, they had given very near ſix millions (1).

Account of the French prophets. Towards the end of the year 1706, three French Cevennois, commonly called Camiſars, came over to England, and by their enthuſiaſtic effuſions, and pretences to propheſy, and extatic convulſions, raiſed the curioſity of their countrymen in London, and gained ſeveral followers. This gave great offence to the generality of the French refugees, and the miniſters and elders of the French royal chapel in the

(1) The particular ſums were,

	l.	s.	d.
For forty thouſand ſeamen	2,080,000	00	0
The ordinary of the navy	120,000	00	0
The forty thouſand land-men in Flanders	894,272	03	6
The additional ten thouſand men	177,511	03	6
The proportion of the Palatines	34,251	13	4
The proportion of the Saxons	43,251	12	6
The proportion of Bothmar's dragoons	9,269	16	6
The forces in Spain and Portugal	586,671	12	0
The ſubſidies to the allies	494,689	08	6
The duke of Savoy's augmentations,	500,000	00	0
The guards and garriſons, invalids, and five thouſand men on board the fleet	611,734	08	6
The duke of Savoy's ſpecial ſervice in 1707	100,000	00	0
Compleating the payment of the Heſſians	22,[illegible]	02	0
The fortifications at Gibraltar	12,284	[illegible]	6
The payment of one year one quarter's intereſt upon debentures	60,334	19	6
A ſtore-houſe, and wharf at Portſmouth	10,000	00	0
Circulating Exchequer bills	3,500	00	0
Tranſporting land-forces	144,000	00	0
The land-ordnance	120,000	00	0
The payment of captain Roch	2,126	18	6
Total	5,933,657	17	4

the Savoy (the head of the French congregations in Weſtminſter) thought it their duty to inquire into the miſſion of theſe new prophets; and, being authorized by the biſhop of London, their eccleſiaſtical ſuperior, ſummoned the three Camiſars, Elias Marion, John Cavallier, and Durand Fage, to come before them. Two of them obſtinately refuſed to appear; but the third boldly juſtified their pretences to inſpiration. Whereupon the French church in the Savoy made an act on the 2d of January, wherein they were declared impoſtors and counterfeits; and this act was confirmed by the lord biſhop of London. Notwithſtanding this anathema, the pretended prophets, acted by Mr. Maximilian Miſſon, a French Refugee, Mr. Nicholas Facio, the mathematical profeſſor at Geneva, and others, and continuing their aſſemblies in Soho, uttered their predictions with great noiſe; and being ſupported by Sir Richard Bulkley and Mr. John Lacy, two Engliſh gentlemen of good eſtates, branded the miniſters of the eſtabliſhed church with odious names and characters, and denounced the heavieſt judgments againſt the city of London, and the whole Britiſh nation. They publiſhed likewiſe their predictions under the title of prophetical warnings of Elias Marion, &c. which was a collection of incoherent and unintelligible jargon, and ſhewed the authors of them to be men thoroughly infatuated. But it being ſuſpected by ſome, that there was a mixture of deſign and artifice in the affair, Marion, John Daudé, and Facio, were indicted and proſecuted at the expence of all the French churches in London, as diſturbers of the public peace, and falſe prophets; and received their ſentences at the court of Queen's-Bench, to ſtand twice on a ſcaffold with a paper denoting their offence; to pay a fine of twenty marks each, and to give ſecurity for their good behaviour for one year. According to this ſentence they were expoſed on a ſcaffold at Charing-Croſs and at the Royal-Exchange. 1707.

At this time two diſcoveries were made, very unlucky for Mr. Harley. Marſhal Tallard wrote often to monſieur Chamillard, but he ſent his letters open to the ſecretary's office, to be peruſed and ſealed up, and ſo to be conveyed by the way of Holland. Theſe were opened upon ſome ſuſpicion in Holland; and it appeared, that one, in the ſecretary's office, put letters in them, in which, as he offer'd his ſervice to the courts of France and St. Germains, ſo he gave an account of all tranſactions here. In one of theſe he ſent a copy of the letter, which the queen was to write, Dec. 1, 2. Diſcoveries of a correſpondence with France. Hiſt. of Europe. Burnet.

1707. write, in her own hand, to the emperor; and distinguished what parts of the letter were drawn by the ſecretary, and what additions were made to it by the lord treaſurer. This was the letter, by which the queen preſſed the ſending prince Eugene into Spain; and this, if not intercepted, would have been at Verſailles many days before it could reach Vienna. He, who ſent this, wrote, that by this they might ſee what ſervice he could do them, if well encouraged. All this was ſent over to the duke of Marlborough; and upon ſearch it was found to be writ by Mr. William Gregg, whom Mr. Harley had not only entertained as a clerk in his office, but likewiſe taken into a particular confidence, without inquiry into the former parts of his life; for he was a vicious and neceſſitous perſon. He had been ſecretary to Mr. Gregg, when reſident from king William to the court of Denmark, and afterwards to Mr. Vernon, envoy to the ſame court, by whom he was diſmiſſed, for his ill conduct (1). Mr. Harley had made uſe

(1) The committee of the lords, appointed to examine him, obſerve, that the effect of the papers referred to them was as follows:

I. A copy of Gregg's letter, which was intercepted, dated the 28th of November 1707, O. S. ſent to monſieur Chamillard, incloſed in a packet from marſhal Tallard, directed to Mr. Robineau his ſteward at Paris.

In this Gregg ſends to monſieur Chamillard a copy of the queen's letter, written with her own hand to the emperor.

In the ſame letter Gregg takes notice of two letters ſent by him to monſieur Chamillard, the one dated the 24th, and the other the 28th of October laſt, which he underſtood Robineau had put into his hands.

That perceiving by Robineau's letter to his maſter, that monſieur Chamillard deſired the marſhal's ſentiments of Gregg, Gregg had himſelf written to him.

In expectation of his anſwer Gregg flattered himſelf, that the paper, then ſent, was of that importance, that there could be no longer doubt of the devotedneſs of a Scotiſhman for France; not to ſpeak of his zeal for the ſervice of his prince, who had found refuge there.

That the lines, under which he had drawn a ſtroke, were the thoughts of the lord treaſurer, which he had added with his own hand to the firſt draught of the letter.

The ſame letter contained ſome other news.

II. There was a copy of a letter, dated the 25th of November, O. S. in the ſame packet, ſubſcribed William Gregg, in which notice is taken of what Robineau writes to monſieur Tallard concerning him;

uſe of him to get intelligence in Scotland in 1705, and came to truſt him with the peruſal and ſealing up of the letters, which 1707.

him; and that he himſelf had written to the marſhal, and deſired Robineau to deliver the incloſed according to the addreſs, as being of great conſequence.

III. The copy of a letter from marſhal Tallard to Robineau, dated the 10th of September, N. S. in which monſieur Tallard ſays, that as to the letters, of which Robineau made mention in his of the 25th and 28th of November, that he had delivered them according to the addreſs. Monſieur Tallard knew nothing of their contents, but by the ſame poſt, which brought his letters.

That he was obliged for the offers, but could make no uſe of them while he was a priſoner. When the peace was made, he would give proof of his acknowledgment to him, who made the offers, and would endeavour to engage the perſon, to whom the letters were addreſſed, to do the ſame. In the interim Robineau was to tell the perſon, to whom he delivered the letters, for whom the marſhal had the utmoſt conſideration, that he was much obliged to him for deſiring to know his thoughts, before he would determine what to do: That the offers made did not ſuit with the preſent times, at leaſt as to him, &c.

IV. An original letter, of the 2d of December, 1707, to Mr. Robineau from Gregg, to felicitate him for being delivered from an importunate man, as would appear by marſhal Tallard's letters, unleſs his laſt to monſieur Chamillard had not made him to determine otherwiſe.

V. A copy of another letter of Gregg to monſieur Chamillard, dated the 23d of December, O. S. which was alſo taken in marſhal Tallard's packet, in which he pretends to give monſieur Chamillard an account of what paſſed in parliament, with the queen's anſwer to the addreſs of the two houſes, and his excuſe for not ſending the addreſs itſelf.

VI. A letter of Robineau to monſieur Tallard, the 26th of December, N. S. from Paris (tranſcribed by Gregg in his own hand) in which he ſays, he was going to Verſailles to deliver the anſwer, with which he was charged; that he received every poſt letters from the ſame perſon, and that he took care to deliver them according to the addreſs.

VII. Another of the 30th of December 1707, N. S. that he had been to deliver, as monſieur Tallard had charged him, the anſwer to which was deſired of Mr. Tallard.

VIII. Another letter in Gregg's hand, dated the 30th of December 1707, found in Gregg's cloſet, written to monſieur Chamillard, giving an account of the intention to ſend Mr. Palmer to Savoy, and to take ſeveral other German courts in his way.

IX. A confeſſion of Gregg delivered to the lords of the committee, and ſigned by him.

1707. which the French priſoners, herein England, ſent over to France, and by that means he got into the method of ſending intelligence. He, when ſeized on, either upon remorſe, or the hopes of pardon, confeſſed all, and ſigned his confeſſion, upon which he was tried at the ſeſſions in the Old-Baily, where an indictment of high-treaſon was read againſt him, importing, "That he had ſent letters to monſieur Chamillard, "one of the French king's prime miniſters, particularly "one, dated the 28th of November laſt; and others, "wherein were incloſed the proceedings of both houſes of "parliament, in relation to the augmentation of our forces; "a copy of a letter from the queen to the emperor; pri-"vate buſineſs ſent the duke of Savoy, &c." To which indictment, Gregg having pleaded guilty, the lord chief-juſtice Holt, and moſt of the judges being preſent, the recorder pronounced ſentence of death againſt him, as in caſes of high-treaſon.

Gregg is taken up and tried Jan. 19.

Valiere and others apprehended.

At the ſame time John Bara and Alexander Valiere (alias John Clarke) were alſo committed to Newgate for correſponding with the enemy; and Mr. Claude Baud, a native of Piedmont, and ſecretary to count Briançon, envoy extraordinary from the duke of Savoy, was apprehended, at the requeſt of that miniſter, by warrant from the earl of Sunderland, for traiterous practices againſt her majeſty and government; but the ſame night, as the two meſſengers, who had him in cuſtody, were carrying him to Newgate, he made his eſcape from them. But being followed by the queen's proclamation, wherein a reward of two hundred pounds was promiſed for diſcovering and ſecuring him, he was, within two hours after, betrayed by a French taylor, in whoſe houſe he had taken ſanctuary, and put under the cuſtody of a meſſenger. Valiere and Bara, who had been both employed by Mr. Harley as his ſpies, to go often over to Calais, under pretence of bringing him intelligence, were informed againſt as ſpies employed by France to get intelligence from England. They carried over many letters to Calais and Boulogne; and, as was believed, gave ſuch information of our trade and convoys, that, by their means, the nation ſuſtained ſuch great loſſes at ſea. They were often complained of upon ſuſpicion, but were always protected by Mr. Harley; yet the preſumptions againſt them were ſo violent, that they were at laſt ſeized on, and brought up priſoners.

A committee of ſeven lords were appointed to examine Mr. Gregg, but could not find out much by him (a). He had

1707.

An examination into the correſpondence.

(a) They went to Newgate to him for that purpoſe, on the 12th of February 1707-8, and acquainted him, 'That as the 'crime, of which he ſtood attainted, was of the moſt hainous nature, ſo there were ſome 'circumſtances ſo extraordinary, 'which attended his caſe, that 'the houſe of lords thought it 'might be of ſervice to her 'majeſty and the kingdom, to 'have all the beginning and 'progreſs of his treaſonable 'correſpondence fully laid open: 'that her majeſty, upon the 'application of that houſe, had 'ordered all former examinations and papers concerning 'him to be laid before them. 'They told him further, that 'if he, by a true, ingenuous, 'and full confeſſion, would deſerve it, he might have ground 'to hope, the houſe of lords 'might intercede in his behalf 'for mercy from her majeſty, 'which otherwiſe he had no 'reaſon to look for. He was 'alſo told, that, being a man 'of underſtanding, he was not 'to expect to be aſked queſtions, 'but was to give an account of 'himſelf, when, and how he 'became firſt employed; when, 'and by what inſtigation he 'was drawn in to correſpond 'with the queen's enemies; 'and how far it proceeded.'

He ſaid, That one Mr. Gregg, the late king's reſident at Copenhagen, was his kinſman, and ſent for him thither; and he continued with him about three years till his death, which happened about two months before the late king died.

That Mr. Vernon was ſent envoy to Denmark, and took him, whom he found there, into his ſervice, in which he continued about two years and an half, and then he was diſcharged from his ſervice by Mr. Vernon.

Mr. Vernon coming for England about his private affairs, while Gregg was in his ſervice, and ſtaying here ſome time, in that interval Gregg received ſome letters from Mr. ſecretary Harley, which gave him occaſion after to apply to him.

The 9th of December 1704, Gregg came to England, and ſoon made application to Mr. ſecretary Harley for employment, but was not recommended to him by any body.

The 3d of January he ſaw him firſt at his office, where he attended often.

The 5th of February 1704-5, Mr. Jones, the ſecretary's firſt clerk, came to him, and told him, the ſecretary would ſpeak with him. He attended on the ſecretary the ſame day, who aſked him, If he would be willing to be employed in his own country? Gregg ſaid, He was willing to be ſent upon any good errand. Mr. ſecretary told him, It was to give an account of the proceedings of the enſuing parliament, which was to be held under the duke of Argyle.

The 6th of February he went to the office, and Mr. ſecretary told him he ſhould be diſpatched in a few days.

To make ſome trial of him (as he ſuppoſed) Mr. ſecretary aſked

1707. had but newly begun his deſigns of betraying ſecrets, and he had no aſſociates with him in it. He told them, that all the

aſked him, If he could give an account of the court of Denmark? Gregg ſaid, He was willing to do it as well as he could; and, accordingly, in ſome time drew up a ſtate of that court, and it was not diſapproved.

He attended daily, and, on the 20th of April, Mr. ſecretary Harley gave him a note of twenty pounds, to be paid by his ſteward in Scotland-yard.

On the 23d of May 1705, he was ordered to go for Scotland, and about a week after ſet forwards on his journey. When he was diſpatched, a note of thirty pounds was given to him.

Mr. ſecretary always amuſed him with telling him, he ſhould have inſtructions for his directions in Scotland; but, at laſt, ordered him to draw up ſome queries himſelf about the ſtate of affairs in Scotland; which he did, and they were approved.

Some of the queries were, What were the deſigns of the ſeveral parties? What correſpondence between the Highlands and St. Germains? How affected to the houſe of Hanover, &c. He was alſo ordered to form a cypher of letters, whereby to deſign the great men there.

The 2d of June 1705, he arrived at Edinburgh, and wrote to Mr. ſecretary the Thurſday following, being ordered to direct all his letters to Thomas Bateman in Scotland-yard.

Mr. ſecretary promiſed the receipt of his letters ſhould be acknowledged; and he preſſed often for it, to know they came to hand, fearing his letters were intercepted, becauſe he was ſuſpected as a ſpy in that country. But, though he wrote thrice a week, he never heard one word from Mr. ſecretary, or by his order, during his whole ſtay in that country.

Being aſked by the lords, If he was recommended to any body in Scotland? he anſwered, No.

The 15th of October he arrived at London, and the next day waited on Mr. ſecretary, who thanked him for his letters, and told him, he had named him to the queen, upon occaſion of a paper he had ſent; but Mr. Gregg ſaid, he believed the queen had never heard of his name, till this laſt unhappy accident.

On the 29th of October, Mr. ſecretary ordered him twenty-five pounds. He attended daily, and preſſed much to be ſent abroad, particularly to go with Mr. Methuen, when he was ſent to Savoy, but it was declined.

On New-year's day Mr. ſecretary dropped a word, which ſtartled him much: he told him, he would fix him; which Gregg underſtood was bringing him into his office.

Upon this he preſented a petition, that he might not be in the office, becauſe the ſalary was ſmall; and, being in debt, he could not live on it.

He attended every day. The ſecretary inquired of him what he

the papers of ſtate lay ſo careleſsly about the office, that every one belonging to it, even the door-keeper, might have 1707-8.

he knew of languages. He ſaid, he knew ſome French and German, but knew Latin better than either.

The 16th of April 1706, he was admitted into the office, and a note was given upon Mr. Jones, as for one of the clerks; and Mr. ſecretary told him, It was only to keep his hand in uſe, and that he would provide better for him.

The 16th of May, copying a letter ſent to Mr. Vernon, that he was to conſider of ſomebody fit to be left behind, Gregg thought it to be intended in his favour, and wrote to Mr. Vernon on that occaſion, deſiring his countenance.

But the 28th of May, Mr. ſecretary writing word to Mr. Vernon, that he had leave to come at his own time, but muſt leave ſomebody behind; and this being wrote before any anſwer could come from thence, Gregg ſaw nothing was meant for him in the former letter.

Gregg made offers of ſervice to Mr. Pulteney, when he was to go, but he ſaid he was provided.

Then he told Mr. ſecretary, his mind was depreſſed by his debts, and deſired to be thrown abroad, and to go with Sir Philip Meadows; but that was refuſed, and Strahan was ſent.

Then Mr. ſecretary aſked, What would make him eaſy? And he gave in a liſt of his debts, amounting to about thirty-five pounds.

Since that Mr. ſecretary has ordered him at ſeveral times about twenty or five and twenty pounds in the whole; the laſt ſum was ſeven pounds in October laſt, part of a bill of fourteen pounds, for which debt he was preſſed at that time,

Being aſked by the lords, If his debts only made him ſo deſirous to be gone? He ſaid, at that rate the buſineſs was managed in the office, it was a perfect druggery.

Their buſineſs ſeldom began till about eleven or twelve at night, and they ſtaid till two or three, or later, though ſometimes not above two letters to diſpatch; and he thought himſelf happieſt, who could get away ſooneſt.

The method was, firſt, the letters were taken in ſhort-hand; afterwards were wrote fair; then ſent to Mr. ſecretary's houſe to be ſigned, and after returned to the office to be entered; ſo that they were obliged ſometimes to ſtay till four o'clock in the morning.

He ſaid, That in April laſt, when Hill the meſſenger was ſent to Turin, the packet was left to him, though the youngeſt clerk, to be made up, and delivered to the meſſenger.

In that packet there was a letter to Sir John Norris, and another to Mr. Chetwynd. Moſt of the laſt letter was in cypher. Gregg entered both thoſe letters. There was alſo another letter to Sir Cloudeſly Shovel, and letters from the lord-treaſurer. He put them all up in the packet, and after gave them to Hill.

1707-8. have read them all. Mr. Harley's cuſtom was to come to the office late on poſt-nights; and after he had given his orders,

Being aſked, If he knew by the letters what the deſign was? Gregg ſaid, he underſtood Toulon was to be beſieged. He could not read the whole, but knew enough to find out that. He ſaid it was wrote in the cypher of the office by Mr. Harley, the earl of Sunderland being ſick at that time.

The queen's letters de Cachet are made up before they are brought to the office; but the clerks are truſted to make up other letters.

The lords committees required him to give the whole relation of his correſpondence, when it began, and how long it had been carried on.

Gregg ſaid, the firſt motive of his writing to France, was in order to get money, by obtaining a paſs, and that his firſt letter was the 24th of October laſt.

From his firſt entering into the office, he had always a great hand in peruſing the French priſoners letters. That convenient opportunity, and his poverty, gave him the temptation.

The French priſoners letters came under a general cover, directed to Mr. Lewis. Marſhal Tallard's letters are under a flying ſeal; the reſt of them came always ſealed, but are opened at the office.

Generally Mr. Lewis threw them down on the table, and left the peruſing them to the clerks, to Mr. Mann and Gregg; and, ſince Mr. Mann left the office, they have been truſted wholly to Gregg.

If Gregg obſerved any thing, that he thought material, he made an extract of it, and ſhewed it to the ſecretary or under-ſecretary. He mentioned a particular extract he had made out of a letter of Mr. Chamillard to Mr. Tallard.

Letters came from Nottingham every poſt; ſometimes twenty letters came to them in a day from France. Theſe came always ſealed. From the time he came into the office, theſe letters were never peruſed, either by the ſecretary or under-ſecretary; which he is ſure of, becauſe they were ſealed when he looked on them. He cannot for that reaſon ſay, but Mr. Lewis might ſometimes look into Mr. Tallard's letter, becauſe that had a flying ſeal; but the reſt were left ſealed as they came by Mr. Lewis to the clerks peruſal.

Gregg ſaid, he had a diſpute with Mr. Lewis upon the account of theſe letters, Gregg declaring, he thought it not to be a buſineſs fit for the under-clerks to be truſted with.

Mr. ſecretary Harley wrote a letter, in anſwer to one from monſieur Pontchartrain, thanking him for his civility to one Middleton.

In tranſcribing it, Gregg found it ſo ill-turned, and the French bad, that he acquainted the ſecretary with it at eleven o'clock at night in October laſt. This letter was ſtopped; but after Mr. Lewis ſent it away as it was wrote at firſt.

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orders, and wrote his letters, he uſually went away, and left all to be copied out, when he was gone. By that means 1707-8.

The rough draught of the queen's letter to the emperor, as it was ordered by the lord-treaſurer, was left in the public book of the office, to be entered the ſame night it was to be ſent away. There Gregg ſaid he found it, and tranſcribed it, and any other clerk of the office might have done it as well as he.

All the books in the office lie in a preſs; the key is always in the door; and not only the clerks, but the chamber-keepers may have acceſs.

All letters, except thoſe wrote to the duke of Marlborough, are entered in the books; but thoſe are only copied in looſe ſheets. Gregg ſaid he had copied many of thoſe.

The draught of the queen's letter to the emperor was prepared by Mr. Lewis; it was then written in the hand of Mr. Thomas, Mr. Harley's domeſtic clerk; the addition was in the lord-treaſurer's own hand. Mr. Mann ſaw it as well as Gregg. Mann ſaid to Gregg, That what was added by the lord-treaſurer, was much the brighteſt part of the letter.

Gregg ſaid, he ſent all his letters to France under the cover to Mr. Robineau. He owned he ſent the copy of the queen's letter to Mr. Chamillard the ſame night the queen's letter was diſpatched to the emperor.

Gregg ſaid further, that the letter in the queen's own hand was given to Gregg by Mr. ſecretary himſelf about one o'clock at night, and he was ſolely intruſted to put it up in Sir Philip Meadow's packet, after every body had left the office.

Robineau, in his letter to Mr. Gregg, took notice, that he had delivered his letters to monſieur Chamillard; and that monſieur Chamillard ſent to adviſe with marſhal Tallard upon Gregg's propoſal.

Upon this Gregg wrote a letter to marſhal Tallard, of which he ſaid he had no copy, but pretended to repeat the words of the letter to the lords committees.

The lords committees told Gregg, it would be expected by the houſe, that he ſhould be very clear and particular, in declaring by what advice or encouragement he firſt began ſuch a correſpondence. He ſaid, by none at all: he was tempted to it by the devil, and the hopes of getting money.

He ſaid, that, upon hearing a French periwig maker was committed to Newgate for high-treaſon, he had deſired to be admitted again to the lords of the cabinet-council. But he would not own, that he knew the man, but ſaid, he had ſince heard his name was Valiere or Clarke; he was told ſo by a gentlewoman who came to ſee him ſince his condemnation.

He ſaid, he held no correſpondence in England, but only in ſending the common letter of the office, with other printed news-papers, to ſome gentlemen.

1707-8. means Mr. Gregg came to see every thing, in particular, the queen's letter to the emperor. He said, he knew the design

Gregg said, he had been long acquainted with one Crookshanks, who promised him, that if he would procure a French pass, he should have two hundred guineas; and Gregg undertook to procure the pass.

The first time he wrote to Mr. Chamillard, was the 24th of October last.

Brown, a merchant, father-in-law to Crookshanks, and one Bollinger, a merchant, were acquainted with this agreement about the pass, and they dined together at Brown's house; and Brown undertook for the money, if the pass could be procured.

Gregg said, he acquainted Bollinger of his having sent a copy of the queen's letter to monsieur Chamillard, at the Cross-Keys Tavern in Covent-Garden, and shewed him extracts of marshal Tallard's and Robineau's letters. He said also, that he read the extracts of their letters at another time in English to Brown and Crookshanks.

The lords committees asked him, To what end he told Bollinger of what he had done, in sending the queen's letter to monsieur Chamillard? He only said, It was downright madness.

The lords committees asked him, If any body came to him? He said, one Mr. Arbuthnot came to him, and no body else; and his business was to bring him charity.

The lords committees asked Mr. Gregg, If he had no more to acquaint their lordships with? He said, no. And being told by them, that it concerned him very much to consider of it; that the lords had observed he told them nothing but what he knew they had means in their hands to be fully informed of, without his saying any thing; and how hard it would be for the house of lords to believe, that he would venture upon such a correspondence without some support or encouragement; he persisted in it, that he had no more to say.

As the lords committees were risen up, and had called for the keeper to take Mr. Gregg away, he took a brown paper out of his pocket, which was sealed up, and took out of it a paper, which he said he had prepared against the queen's birth-day, and desired the lords to read it. It purported to be a petition to the house of commons. He pretended he knew not how to get it delivered, because he concluded all the papers, sent by him, would be delivered to Mr. secretary Harley.

The lords, finding the paper to be addressed to the house of commons, told him, It was not proper for them to receive it, and delivered it immediately back to him.

The lords committees, as they went away, told Gregg, that if he would recollect himself, and set down in writing any thing that he thought might be for his own service, or of use to the queen and her government,

design on Toulon in May, but did not discover it; for he had not entered on his ill practices till October. This was all he could say. By the examination of Valiere, Bara, and of many others, who lived about Dover, and were employed by them, a discovery was made of a constant intercourse they were in with Calais, under Mr. Harley's protection. They often went over with boats full of wool, and brought back brandy, though both the import and export were severely prohibited. They, and those who belonged to the boats carried over by them, were well treated on the French side at the governor's house, or at the commissary's; and were kept there till their letters could be sent to Paris; and till returns could be brought back; and were all the while upon free-cost. 1707-8.

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vernment, he might send it to them, and the keeper should have directions to convey it safely.

The next morning Gregg sent a letter to the lords committees, which, as soon as they had perused, they returned to him again by a gentleman with the following message:

'The lords of the committee 'have ordered me to return this 'paper to you, they being of 'opinion, that it is not mate-'rial to the examination, for 'which they were sent to you 'by the house.'

The lords committees think themselves obliged to acquaint the house, that they did not observe Gregg to be under any disorder or terror from the apprehension or sense of his danger.

The indictment of Gregg for his treasonable correspondence with her majesty's enemies was brought before the lords committees; which indictment he confessed upon his trial, and judgment was thereupon given against him.

The lords committees do think it their duty to acquaint the house, that they having been informed, by means of the keeper of Newgate, that one William Gregg had been formerly in Newgate, and indicted for counterfeiting the coin of the kingdom; and that it was talked amongst the turnkeys in the prison, that this was the same man, they sent to search the books in Newgate, and found there, that in May 1697, William Gregg and Elizabeth Gregg were indicted for counterfeiting the coin. Thereupon they sent for Mr. Tanner, who has the custody of those records: he brought the indictment before them; and it appeared, that Elizabeth Gregg was found guilty and executed; but that William Gregg was acquitted; and Thomas Holloway and Simon Newport were the witnesses at the trial, who, as was said, are both dead since that time.

But one Thomas Kinsferley and James Fiddle, declaring that they both knew that Gregg,

1707-8. The order that was conſtantly given them, was, that if an Engliſh or Dutch ſhip came up to them, they ſhould caſt their letters into the ſea; but that they ſhould not do it, when French ſhips came up to them; ſo that they were looked upon by all on that coaſt as the ſpies of France. They uſed to get what information they could, both of merchant-ſhips, and of the ſhips of war, that lay in the Downs; and upon that they uſually went over; and it happened, that ſoon after ſome of the ſhips were taken. Theſe men were papiſts, and behaved themſelves very inſolently, and boaſted much of their power and credit. Complaints had been often made of them, but they were always protected; nor did it appear, that they ever brought any information of importance to Mr. Harley but once, when, according to what they ſwore, they told him, that monſieur Fourbin was gone from Dunkirk to lie in wait for the Ruſſia fleet; which proved to be true; for he both went to watch for them, and took a great part of them. Yet, tho' this was the ſingle piece of intelligence that they ever brought, Mr. Harley took ſo little notice of it, that he gave no advertiſement to the admiralty concerning it. This particular excepted, they only brought over common news, and the Paris Gazettes. Theſe examinations laſted for ſome weeks; and, when they were ended, a full report was made of them to the houſe of lords, who ordered the whole report, with all the examinations, to be laid before Mar. 22. the queen in an addreſs, importing, "That having been "informed, that William Gregg, a clerk in the office of "the late ſecretary Mr. Harley, had been indicted for "high-treaſon, in holding correſpondence with her majeſty's "enemies,

who was then indicted, very well, and believed they ſhould know him again, if they ſaw him; the lords committees ſent them ſeverally to ſee William Gregg now in Newgate, and they both of them did declare, that they believed and were confident, that the ſame perſon, now in Newgate, was the ſame William Gregg, who was then indicted, and whoſe ſuppoſed wife was then found guilty and burnt, and they did both of them voluntarily make oath to this effect; and James Biddle ſwore, that, after the trial, the diſcourſe in the neighbourhood was, that Elizabeth Gregg took the whole matter upon herſelf at the trial.

Their two affidavits are laid before your lordſhips.

After one of theſe perſons had been to ſee William Gregg, William Gregg wrote a letter, directed to the lords of the committee, in which he did very poſitively deny, that he was the perſon who had been tried for coining in May 1697.

"enemies, and betraying to them ſecrets of the higheſt importance; and that upon his trial he had confeſſed the indictment, and, by that means, had prevented the examinations, whereby the public might have been truly informed of the particular nature and circumſtances of his crime; they thought themſelves indiſpenſably obliged, in duty to her majeſty, and for the future ſafety of the kingdom, to do all in their power to find out the riſe and progreſs of this dangerous correſpondence. That, in order thereto, they addreſſed her majeſty for all papers relating to the charge againſt William Gregg; and her majeſty having been pleaſed to give orders, that the papers ſhould be laid before them, they referred thoſe papers to a committee, and directed them to examine Gregg, and to report the examination to the houſe; as alſo what they obſerved upon the papers, together with ſuch other matters, as they ſhould think proper, upon their inquiry into the affair: and the report having been made, and taken into conſideration by the houſe, they humbly conceived it to be very highly for her ſervice to lay the ſame before her majeſty. That being alſo informed, that one Alexander Valiere, otherwiſe called John Clarke, was in cuſtody for holding correſpondence with her majeſty's enemies, they thought themſelves, in like manner, obliged to direct the committee to examine Valiere, and to inquire into the particulars and circumſtances of his offence: that, this being accordingly performed by the committee, it was reported to them; but the report conſiſting of very many examinations, they thought it would be of uſe to appoint a committee to digeſt and put the ſame into ſome method, to the intent they might be able to form a clearer and more diſtinct judgment of the whole affair; and, that report being made and approved by the houſe, they conceived it would be of importance to her majeſty's ſervice, for them to preſent the ſame to her majeſty; and, for her majeſty's more intire ſatisfaction, they begged leave to annex all the examinations at large to this addreſs. That, having entered into a ſerious conſideration of the ſeveral reports, they had unanimouſly come to the following reſolutions. 1. That the crime, of which William Gregg ſtood attainted, was of ſo hainous a nature, and attended with ſuch extraordinary circumſtances, that it might prove of very pernicious conſequence, if he ſhould not be made an example. 2. And that it plainly appeared to them, as well by what Alexander 1707-8.

1707-8. " Alexander Valiere and John Bara, had informed againſt
" each other, as by the many examinations taken concern-
" ing them, that they were both in the French intereſt,
" and unfit to be truſted or employed by any perſons in her
" majeſty's ſervice: and that the open and public manner
" of the correſpondence managed by them with the go-
" vernors and commiſſaries of Calais and Boulogne, could
" tend only to carry on an intelligence to the advantage of
" her majeſty's enemies; and that it was highly probable,
" that thereby the ſtations of our cruiſers, the ſtrength of
" our convoys, and the times of ſailing of our merchant-
" ſhips, had been betrayed to the French." Their lord-
ſhips added, " That it was her majeſty's glory, and the
" happineſs of Europe, that ſhe was at the head of one of
" the greateſt confederacies that ever was known in hiſtory;
" and it was the common concern of the whole alliance,
" that her counſels ſhould be kept with the ſtricteſt ſe-
" creſy: but that, in the papers now laid before her, her
" majeſty would be pleaſed to obſerve, that ſome of her
" reſolutions of the greateſt moment, and that required the
" utmoſt ſecreſy, had been ſent to her enemies by the ſame
" poſt they were diſpatched to the allies. That all the
" papers in Mr. ſecretary Harley's office, had, for a conſi-
" derable time, been expoſed to the view even of the
" meaneſt clerks in that office; and that the peruſal of all
" the letters to and from the French priſoners, was chiefly
" truſted to Gregg, a perſon of a very ſuſpicious character,
" and known to be extremely indigent. That it was not
" eaſily to be known, what ill conſequences might have
" attended ſuch negligence. But their lordſhips depended
" upon it, that theſe matters being thus plainly laid open
" to her majeſty, they ſhould be well ſecured againſt any
" dangers of this nature for the future. That they were
" further in duty bound to beſeech her majeſty, that all
" poſſible methods might be uſed to put a ſtop to that dan-
" gerous and (which might ſoon prove) fatal intercourſe
" between her majeſty's ſubjects and France, which had
" of late received ſo great an encouragement by the coun-
" tenance and protection given to Valiere and Bara; ſince,
" unleſs that were effectually done, her majeſty's enemies
" would continue to have what intelligence they pleaſed;
" her majeſty's men of war and merchant-ſhips would be
" in danger of being betrayed to the French; and that
" moſt deſtructive trade of ſending wool to France, which
" had been with much charge and trouble interrupted; and

"in good measure suppressed, would be revived to a greater 1707-8.
"degree than ever."

To this address the queen returned an answer, "That "she was sorry, that any, who had been employed by those "in her service, should have proved false to their trust, and "injurious to the public. That she doubted not, the ex-"amples laid before her by their lordships, would be a "sufficient warning to keep all matters of importance as "secret as might be, and to employ such only, as there "should be good grounds to believe would be faithful."

After the presenting of this address, Gregg was respited about a month longer, but, still refusing to make any further discoveries, he was executed at Tyburn on the 28th of April, 1708. He left a paper with the sheriff (1), wherein Gregg is executed.

(1) It was in these terms:

'The crime, I am now justly 'to suffer for, having made a 'great noise in the world, a pa-'per of more than ordinary 'length will be expected from 'the criminal, who therefore 'takes this last opportunity to 'profess his utter abhorrence 'and sincere repentance of all 'his sins against God, and of all 'the hainous crimes committed 'against the queen, whose for-'giveness I most heartily im-'plore, as I shall heartily pray 'for her majesty's long life and 'happy reign over her united 'people, and success against 'her enemies, with my parting 'breath.

'This is all the satisfaction I 'can possibly make injured ma-'jesty. I declare, in the next 'place, the reparation I would 'make, were it in my power, 'to those of her majesty's sub-'jects I have wronged 'in any kind, and particularly 'the right hon. Robert Harley, 'Esq, whose pardon I heartily 'beg for basely betraying my 'trust; which declaration, tho', 'of itself sufficient to clear the 'said gentleman; yet, for the 'sake of those, whom it was 'my misfortune not to be able 'to satisfy in my life-time, I 'do sacredly protest, that, as I 'shall answer it before the judg-'ment-seat of Christ, the gen-'tleman aforesaid was not privy 'to my writing to France di-'rectly nor indirectly; neither 'I, his unworthy clerk, any 'ways accessary to the miscar-'riage before Toulon, nor the 'losses by sea; all which hap-'pened before the first of my 'letters, which was writ the '24th of October, 1707. As 'for my creditors, as I am in 'no condition to satisfy them, 'so I earnestly beg, they would 'forgive me; and I pray God 'to make up their losses seven-'fold.

'For my part, I do freely 'forgive all men, and die in 'perfect charity with them, not 'without humble hopes of find-'ing forgiveness, through the 'merits of Jesus Christ, with 'God, who in mercy touched 'my conscience so powerfully

from

1707-8. wherein he entirely cleared Mr. Harley; though ſome ſuſpected that gentleman to be the contriver of that piece: and aſcribed the compoſedneſs, which appeared in Gregg's countenance, till he came to the place of execution, to a firm expectation, which he was made to entertain, of a reprieve; and others gave out, that he complained, That there was no truſt in man; while, on the other hand, the ſeven lords of the committee, appointed to examine him, were afterwards reproached with having endeavoured to ſuborn Gregg, and engage him, by a promiſe of pardon, to accuſe Mr. Harley (1).

Enquiry into the affairs of Spain.

During theſe proceedings, an enquiry into the affairs of Spain was begun in both houſes. The earl of Peterborough had

Burnet. Pr. H. C.

'from the beginning, as ſo prevent my proſtituting the ſame to ſave my life; for which inſtance of his love, to be preferred before life itſelf, I bleſs and magnify his holy name with unſpeakable joy and comfort at my death, nothing near ſo ignominious as would have been ſuch a life.

'After this occaſion, the duty of a dying man leads me to profeſs the religion, in which I was brought up, and do now die, which is the proteſtant. The ſcandal given thereunto by my enormous practices cannot be better taken away, than by my publiſhing to the world my hearty ſorrow for thoſe ſenſual pleaſures, which have proved my bane. Therefore let all, who ſhall read this poor paper, take warning by me to ſhun the like youthful luſts; to which whoever gives up himſelf, cannot tell how far they may, when indulged, carry him, even to the committing ſuch crimes, as he thought himſelf incapable of ſome time a day, of which truth I, to my woful experience, am a melancholy inſtance. But, at the ſame time, I appeal to the great God, before whom I am going to appear, that, notwithſtanding all the pains taken to make me out an old offender, by faſtening on me the crime of counterfeiting the coin, this is the firſt fault, that ever I ventured upon; which was not out of any zeal for the pretender, whom I not only diſown at my death, but ſolemnly declare, that, in all my life, I never thought he had a right to theſe realms, how fooliſhly ſoever I may have rendered myſelf obnoxious in this particular; but the only motive of my mad undertaking was money (of which I never received any) on account of the ſhip-paſs, though I have met with the more juſt reward of ſuch ſecret ſervices intended by

'William Gregg."

(1) Dr. Swift, in his Examiners, has ſeveral paſſages to this purpoſe.

In No. XXXII. for March 15, 17[illegible], he writes thus: 'And

had received ſuch poſitive orders for recalling him, that, 1707-8.
though he delayed as long as he could, yet at laſt he came home in Auguſt, 1707; but the queen, before ſhe would admit him into her preſence, required of him an account of ſome particulars in his conduct, in military matters, in his negotiations, and in the diſpoſal of the money remitted to him; to which he made ſuch general anſwers, as gave little ſatisfaction, but ſeemed to reſerve the matter to a parliamentary examination, which was now entered upon by both houſes. All the tories magnified his conduct, and ſtudied to detract from the earl of Galway; but it was thought, that the miniſtry were under ſome reſtraints with relation to the earl, though he did not ſpare them; which gave occaſion to many to ſay, they were afraid of him, and durſt not provoke him. The Whigs, on the other hand, made ſevere remarks on his conduct. The complaints, which king Charles of Spain made of him, were read; upon which he brought ſuch a number of papers, and ſo many witneſſes to the bar, to juſtify his conduct, that after ten or twelve days, ſpent wholly in reading papers, and in hearing witneſſes, both houſes grew equally weary of the matter; ſo that, without coming to any concluſion, or to any vote, they let all, that related to him, fall. But that gave them a handle to conſider the preſent ſtate of affairs in Spain; in which it was found, that of the twenty-nine thouſand three hundred and ninety-five Engliſh forces, provided by parliament, for the ſervice of Spain and Portugal, in the year 1707, there were but eight thouſand ſix hundred and ſixty men in Spain and Portugal, at the time of the battle of Almanza

'And here it may be worth obſerving, how unanimous a concurrence there is between ſome perſons, once great in power, and a French papiſt [Guiſcard] both agreeing in the great end of taking away Mr. Harley's life, tho' differing in their methods; the firſt proceeding by ſubornation, the other by violence; wherein Guiſcard ſeems to have the advantage, as aiming no further than his life, while the others deſigned to deſtroy, at once, both that and his reputation. The malice of both againſt this gentleman ſeems to have riſen from the ſame cauſe, his diſcovering deſigns againſt the government. It was Mr. Harley, who detected the treaſonable correſpondence of Gregg, and ſecured him betimes, when a certain great man, who ſhall be nameleſs, had, out of the depth of his politics, ſent him a caution to make his eſcape, which would certainly have fixed

1707-8. Almanza (1), and that not above half the officers, which belonged to those bodies, served there. This gave the house of commons a high distaste; and it was hoped by the court, that they should have carried the house to several votes and

'fixed the appearance of guilt upon Mr. Harley; but, when that was prevented, they would have inticed the condemned criminal with the promise of a pardon, to write and sign an accusation against the secretary. But, to use Gregg's own expression, his death was nothing near so ignominious, as would have been such a [illegible] that must have been saved by prostituting his conscience.' Dr. Swift repeats the same charge in the Examiner, No. XXXIII. and was answered in the Medley, No. XXVI. and in a pamphlet, printed in 1711 in 8vo, intitled, A letter to the seven lords of the committee appointed to examine Gregg.

(1) By the earl of Galway's list of the forces in Spain, there were present at the battle of Almanza — 8910
In quarters and garrison — 3702
Prisoners — 1850
Officers and servants of six regiments reduced a little before the battle — 1189
In all 15651

The earl of Galway's reasons why the rest were absent,

The estimate granted for Spain and Portugal the service of the year 1707, amounts to — 29393

To make up which number, there were in Spain, at the time of the battle of Almanza, according to the return made by the earl of Galway to the house of commons, besides a battalion of guards, three of marines, a detachment of Carpenter's and Essex's dragoons — 13759

To which is to be added, the two regiments of foot of Colonel Hill's and Sir Charles Hotham's, twice demanded for in the said estimate, and therefore must be once deducted, making — 1710

The earl of Barrimore's regiment, which had been reduced by the earl of Peterborough, and was, at the time of the battle of Almanza, raising in England — 876

The servants of the officers belonging to the several regiments actually in Spain, and not reduced at the time of the battle of Almanza — [illegible]

The

warm addreſſes on that head; which was much laboured by 1707-8.
them, in order to load the miniſtry. In this Mr. Harley
and his party were very cold and paſſive; and it was gene-
rally believed, that the matter was privately ſet on by them.
The commons, on the 5th of Feb. addreſſed the queen, deſiring
that ſhe would order an account to be laid before them, how
it came to paſs, that there were no more Engliſh forces in
Spain and Portugal, at the time of the battle of Almanza, and
that ſhe would uſe her utmoſt endeavours that the war in
Spain might be vigorouſly and effectually proſecuted. To
this addreſs the queen ſent an anſwer, by which it appeared, Feb. 18.
that, though by death and deſertion the number of the
troops

The widows men for all the regiments then in Spain, as allowed by act of parliament	151
The earl of Galway having already taken credit in his account, for the officers and ſervants belonging to the regiments of Farrington, Hamilton, Mohun, Bridenell, Allen, and Toby Caulfield, that were reduced ſome time before the battle of Almanza, but ſtill in Spain, there remains to be charged, in this account, the private men only of thoſe regiments, whoſe pay was ſtopped, and applied to their levying again in England that very year	3741
The non-commiſſion officers, and private men of Bleſſet's regiment, which make a part of the twenty-nine thouſand, three hundred, and ninety-five, and are not charged in my lord Galway's account of effectives, becauſe they were reduced by my lord Rivers, and incorporated into Syburgh's	622
	22692

So there only remains, out of the twenty-nine thouſand, three hundred, and ninety-five men, provided for by parliament, ſix thouſand, ſeven hundred and three, either officers or ſoldiers, to be accounted for by loſs in tranſportation, by death, deſertion, and by abſence on account of ſickneſs, or recruiting; to ſupply which defects, one battalion of guards, three of marines, and a detachment of dragoons were ſent to Spain, and four regiments of foot to Portugal, which were not a part of the eſtabliſhment for Spain or Portugal, but were effectually four thouſand ſeven hundred and ninety two men.

Galway.

1707-8. troops in Spain was much diminiſhed, yet the whole number provided, or at leaſt very near it, was ſent out of England. Notwithſtanding this anſwer, the commons renewed the addreſſes they had preſented before, about the forces maintained by the kings of Spain and Portugal, to which the queen gave the following anſwer: "That, in relation "to that part of the addreſs, which concerned the forces of "the king of Spain, her majeſty has ordered to be laid be- "fore the houſe a liſt of the troops provided by the king of "Spain, for the ſervice of the year 1707. And, in re- "lation to the troops of Portugal, her majeſty had, ever "ſince the treaty with that crown, given directions to her "miniſters there, to uſe all poſſible means, that his ma- "jeſty ſhould furniſh the whole number of men agreed for "by the treaty: And ſhe hoped, that thoſe inſtances had, "in a great meaſure, had their deſired effect." At the ſame time ſhe obſerved, "That the methods of diſcipline "there made it impoſſible to know the number of thoſe "troops with the ſame exactneſs as is practiſed in other "parts. And conſidering with what chearfulneſs and ſuc- "ceſs they marched through Spain to Madrid, and the loſ- "ſes they ſuſtained; and being very well aſſured, that the "king of Portugal had lately raiſed, and was ſtill raiſing a "conſiderable number of forces; her majeſty had not "thought it adviſeable to make too nice an inquiry into "the ſtate of thoſe troops; eſpecially, ſince ſhe was "very ſenſible how diligent the enemy was in making con- "tinual applications, to break an alliance of ſo great im- "portance to the common cauſe."

The next day the commons took into conſideration the queen's anſwer to their addreſs of the 5th of February, and the queſtion being put, "That the deficiency of the Britiſh "troops in Spain and Portugal, at the time of the battle of "Almanza, had been chiefly occaſioned by the want of
Feb. 27. "timely and effectual recruits being ſent thither;" It paſſed in the negative; and, on the contrary, an addreſs was voted, and preſented to the queen by the whole houſe, "return- "ing her the thanks of the houſe, for her taking meaſures "to reſtore the affairs in Spain, and for providing foreign "troops for that ſervice." To which the queen replied, "That ſhe had always looked upon the war of Spain to be "of ſo great importance to us, that ſhe could never fail of "continuing her utmoſt application to ſupport it in the "moſt effectual manner; and that the ſatisfaction they had "expreſſed in their addreſs for her endeavours in this mat-

"ter, was extremely acceptable to her." The service in Spain was much decried; and there was good reason for it. Things there could not be furnished but at expensive rates, and the soldiers were generally ill used in their quarters, and were treated very unkindly; not by king Charles, but by those about him; and by the bigotted Spaniards! 1707-8.

The same day the address about the forces in Spain was presented to the queen; there was a great debate in the grand committee of the house of lords, occasioned by a bill passed by the commons, for rendering the union of the two kingdoms more intire and compleat; whereby, in the first place, it was enacted, "That, from the first of May, 1708, there "should be but one privy-council in the kingdom of Great-"Britain." All the court was against this bill. Those, who governed Scotland, desired to keep up their authority there, with the advantage they made by it; and they gave the ministers of England great assurances, that by their influence elections might be so managed, as to serve all the ends of the court; but they said, that, without due care, these might be carried so, as to run all the contrary way. This was the secret motive; yet this could not be owned in a public assembly; and therefore that, which was pretended, was, that many great families in Scotland, with the greatest part of the Highlanders, were so ill-affected, that, without a watchful eye, ever intent upon them, they could not be kept quiet. It lay at too great a distance from London, to be governed by orders sent from thence. To this it was answered, that by the circuits of the justiciary courts, and by justices of peace, that country might be well-governed, notwithstanding its distance, as Wales and Cornwall were. The bill had been carried in the house of commons by a great majority, that there should be only one privy-council for the whole island. But, in the house of lords, it met with a considerable opposition. The court stood alone; all the tories, and the much greater part of the whigs, were for the bill. The court, seeing the party for the bill so strong, were willing to compound the matter; and whereas, by the bill, the council of Scotland was not to sit after the first of May, the court moved to have it continued to the first of Oct. It was visible, that this was propoſed only in order to the managing elections for the next parliament; for which reason the lords adhered to the day prefixed in the bill. But a new debate arose about the power given by the bill to justices of peace, which seemed to be an incroachment on the jurisdiction of the lords regalities, and Proceedings in relation to Scotland. Pr. H. L. Burnet.

of

1707-8. of the hereditary ſheriffs and ſtewards, who had the right of trying criminals, in the firſt inſtance, for fourteen days time; yet it was ordinary, in the caſes of great crimes and riots, for the privy-council to take immediate cognizance of them, without any regard to the fourteen days: So that by this act the juſtices of peace were only impowered to do that, which the privy-council uſually did; and, except the occaſion was ſo great, as to demand a quick diſpatch, it was not to be doubted, but that the juſtices of peace would have great regard to all private rights. Yet, ſince this had the appearance of breaking in upon private rights, this was much inſiſted on by thoſe, who hoped, by laying aſide theſe powers given to the juſtices of peace, to have gained the main point of keeping up a privy-council in Scotland. For all the Scots miniſters ſaid, that the country would be in great danger, if there were not a ſupreme government ſtill kept up in it. But it ſeemed an abſurd thing, that there ſhould be a different adminiſtration, where there was but one legiſlature. While Scotland had an intire legiſlature within itſelf, the nation aſſembled in parliament could procure the correction of errors in the adminiſtration; whereas now, that it was not a tenth part of the legiſlative body, if it was ſtill to be kept under a different adminiſtration, that nation could not have ſtrength enough to procure a redreſs of its grievances in parliament; by which means they might come to be ſubdued and governed as a province. And the arbitrary way, in which the council of Scotland had proceeded ever ſince king James the Firſt's time, but more particularly ſince the Reſtoration, was freſh in memory, and had been no ſmall motive to induce the beſt men of that nation to promote the union, that they might be delivered from the tyranny of the council; and their hopes would be ſtill diſappointed, if they were ſtill kept under that yoke. This point was in concluſion yielded, and the bill paſſed by a majority of fifty lords againſt forty-five, though to the great diſcontent of the court. There was a new court of Exchequer created in Scotland, according to the frame of that court in England. Special acts were made for the elections and returns of the repreſentatives in both houſes of parliament; and ſuch was the diſpoſition of the Engliſh to oblige them, and the behaviour of the Scots was ſo diſcreet, that every thing, that was propoſed for the good of their country, was agreed to: Both whigs and tories vied with one another, who ſhould ſhew moſt care and concern for the welfare of that part of Great-Britain.

On

On the 11th of February there happened an important change in the adminiſtration in England, for Mr. Henry Boyle, uncle to the earl of Burlington, and chancellor of the Exchequer, was made ſecretary of ſtate, in the room of Mr. Harley. Probably the affair of Gregg, Valiere, and Bara, which in ſome meaſure affected Mr. Harley's credit, made him more earneſt to bring about a change in the conduct of affairs, in which he relied on the credit of the new favourite, Mrs. Maſham. The duke of Marlborough, and the lord-treaſurer, having diſcovered many of his practices, laid them before the queen, who would believe nothing, that was ſuggeſted to his prejudice. Her majeſty denied, that ſhe had given any authority for carrying meſſages to the tories; but would not believe, that he or his friends had done it, nor would ſhe enter into any examination of his ill-conduct, and was uneaſy, when ſhe heard it ſpoke of. Theſe lords wrote therefore to the queen, that they could ſerve her no longer, if he was continued in that poſt; and, on the Sunday following, when they were ſummoned to a cabinet council, they both went to the queen and told her, that they muſt quit her ſervice, ſince they ſaw, ſhe was reſolved not to part with Mr. Harley. Her majeſty ſeemed not much concerned at lord Godolphin's offering to lay down; and it was believed to be a part of Mr. Harley's new ſcheme to remove him; but ſhe was much touched with the duke of Marlborough's offering to quit, and ſtudied, with ſome ſoft expreſſions, to divert him from that reſolution: But he was firm, and did not yield to them. Upon this they both went away, to the wonder of the whole court. Immediately after, the queen went to the cabinet council; and Mr. Harley opened ſome matters relating to foreign affairs. The whole board was very uneaſy; the duke of Somerſet ſaid, That he did not ſee how they could deliberate on ſuch matters, ſince the general was not with them. He repeated this with ſome vehemence, while all the reſt looked on ſo cold and ſullen, that the cabinet council was ſoon at an end; and the queen ſaw, that the reſt of her miniſters, and the chief officers, were reſolved to withdraw from her ſervice, if ſhe did not recal the two, who had left it. It was ſaid, that ſhe would have put all to the hazard, if Mr. Harley himſelf had not apprehended his danger, and reſolved to lay down. The queen ſent the next day for the duke of Marlborough, and, after ſome expoſtulations, ſhe told him, that Mr. Harley ſhould immediately leave his poſt, which he did within two days. But the

1707-8. Harley quits, and Boyle is made ſecretary of ſtate in his room. Burnet.

1707-8. queen ſeemed to carry a deep reſentment of his and the lord Godolphin's behaviour on this occaſion; and, though they went on with her buſineſs, they found they had not her confidence. The dutcheſs of Marlborough, for ſome weeks, abſtained from going to court; but, afterwards, that breach was made up in appearance, tho' it was little more than an appearance. Both houſes of parliament expreſſed a great concern at this rupture in the court, and apprehended the ill effects, which it might have. The commons let the bill of ſupply lie on the table, though it was ordered for that day. Upon Mr. Harley's removal, Sir Simon Harcourt the attorney-general, Sir Thomas Manſell, comptroller of the houſhold, and Mr. St. John ſecretary at war, laid down likewiſe their poſts (1).

(1). The dutcheſs of Marlborough, in the account of her conduct, p. 252, &c. ſpeaks of this affair in the following terms: The duke of Marlborough and lord Godolphin had often told the queen in the moſt reſpectful manner, that it was impoſſible for them to do her any ſervice, while Mr. Harley was in her confidence. Her majeſty nevertheleſs ſeemed determined not to part with him, till at length thoſe two lords, being urged by neceſſity to it, declared their reſolution to ſerve no longer with him; and they abſented themſelves from the council. Mr. Harley would have proceeded to buſineſs without them, when the council met, but the duke of Somerſet ſaid, he did not ſee how it could be to any purpoſe, when neither the general nor the treaſurer was preſent; whereupon the council immediately broke up. This had ſuch an effect upon the queen, that, very ſoon after, Mr. Harley was diſmiſſed from his poſt. Such a compliance with the miniſters ſeemed to the eye of the world a very great conceſſion, but was in truth nothing. For it was evident by what followed, that this appearance of giving up Mr. Harley was with his own conſent, and by his own advice, who, as long as Mrs. Maſham continued in favour, would, under pretence of viſiting her, who was his couſin, have all the opportunities he could wiſh for, of practiſing upon the paſſions and credulity of the queen; and the method of correſponding with him had been ſettled ſome time before. ——I was fully apprized of all this, continues the dutcheſs; yet I reſolved to try, if by being eaſy and quiet I could regain any influence with her majeſty. She had given me ſome encouragement to hope it. For when, a little before Mr. Harley's diſmiſſion, lord Marlborough reſolved to quit the ſervice; and when on that occaſion I had with tears (which a tender concern at the thought of parting from her majeſty made me ſhed) repreſented to her, that if the duke retired, it would be improper and even impoſſible for me to ſtay at court after him, ſhe declared, that

ſhe

A few days after this breach at court, the nation was suddenly alarmed with the news of an invasion. The French king, to retaliate the late attempt upon Toulon, resolved to carry the war into Great-Britain by sending the pretended prince of Wales to Scotland with a fleet and army, to possess himself of that kingdom, being induced thereto by the hope given him, that the Scots were so highly discontented on account of the union, as to be ripe for a revolt, and ready to join him on his arrival amongst them. The necessary preparations for the expedition were carried on at Dunkirk with all imaginable diligence, and with such secrecy, that the design was rather guessed at than known, till the pretender himself set from St. Germains, when it was no longer a mystery, that he intended to make a descent upon Scotland. The day before his departure, the French king went to St. Germains to take his leave of him, and wish him success; presented him with a sword inriched with diamonds of a considerable value, and desired him always to remember, that it was a French sword. The chevalier de St. George (for this was the name the pretender assumed in this adventure) answered the compliment with assuring him, "That, if it was his good fortune to get possession of the throne of his ancestors, he would not content himself with returning him thanks by letters and ambassadors, but would shew his gratitude by deeds: Nay, he would come in person to acknowledge his majesty's protection and assistance." To which the French king replied, He hoped never to see him again. Upon his arrival at Dunkirk, the pretender was furnished with very fine tents, a large set of gold and silver plate of curious workmanship,

1707-8. A descent designed upon Scotland. Burnet. Hist. of Eur. Pr. H. C. March 7.

she could not bear the thought of my leaving her; and that it must never be. And at that time she made me a promise, that if ever I should leave her (which, she again said, must never be) she would bestow my offices among my children. Nay, the whigs had some reason to flatter themselves about this time, that her majesty would become better disposed to them, than she had hitherto been. The pretender's attempt to land in Scotland, which happened about this time, gave her an alarm, that seemed to bring a conviction along with it, that the whigs were the most to be depended upon for the support of her government; at least what she said, in answer to the lords address upon the occasion, had this appearance. But as the danger presently blew over, and as her fears ceased with the cause of them, so all the hope, which the whigs had raised in themselves from those fears, presently vanished.

1707-8. manſhip, cloaths for his futur[illegible] life-guards, liveries for his houſhold, and other neceſſaries [illegible] towards the charge of which, and of this armament, the p[illegible]pe was ſaid to have contributed a conſiderable ſum of money (1). The pretender's motto upon the colours and ſtandards were, Dieu & mon droit, "God and my right:" Nil deſperandum Chriſto, duce & auſpice Chriſto. "I ought not to deſpair, ſince "Chriſt is my guide and helper:" And Cui venti & mare obediunt, impera, domine, & fac tranquillitatem; "Thou, Lord, whom the winds and ſea obey, command, "that it be calm."

The preparations of the French at Dunkirk gave great uneaſineſs to the States-General, who concerted with the Britiſh miniſters the neceſſary meaſures for diſpelling the ſtorm, which ſeemed to threaten her Britannic majeſty's dominions, of which they gave timely information to the queen; as did likewiſe her envoy, major-general Cadogan, who had early intelligence of the deſign from a Jew reſiding at Dunkirk.

The commons acquainted with it. March 4.

Upon this Mr. ſecretary Boyle acquainted the commons, "That her majeſty had commanded him to lay before the "houſe ſeveral advices received the night before, and that "morn-

(1) The French king wrote the following letter to the pope, upon occaſion of the pretender's expedition:

'Holy father,

'The great zeal, which I 'have always had to re-eſta-'bliſh on the throne of England 'king James Stuart III, is well 'known to you; though there 'was not hitherto a time pro-'per for it, as well by reaſon 'of the conjunctures, as by the 'unity of my enemies, which 'did not give me leave to 'act in ſo righteous a cauſe 'for our holy faith, the chief 'object of all our actions. We 'have now thought good to let 'him depart from our royal 'ſeat, on the 7th of March, in 'order to embark himſelf on 'board a fleet, where every 'thing has been prepared for 'him, with ſufficient forces to 'eſtabliſh him on the throne, 'after he ſhall have been re-'ceived on his arrival by the 'faithful people of Scotland, 'and proclaimed as their true 'and lawful king. I have 'thought it fit not to omit 'ſending you this important 'news, that by your ardour 'the union of our holy mother 'the church may increaſe in 'that kingdom, and that God 'may proſper him, whilſt the 'time is favourable. It is now, 'holy father, your buſineſs to 'accompany him by your zeal 'with your holy benedictions, 'which I alſo aſk for myſelf; 'and I remain, holy father, your 'moſt loving ſon.

'LOUIS.'

'Verſailles, March 9. 1708.

" morning, of great preparations at Dunkirk, for an im- 1707-8.
" mediate invaſion upon England by the French, and of
" the pretended prince of Wales's being come to Dunkirk
" for that purpoſe." The letters and extracts relating thereto being read, it was unanimouſly reſolved to preſent the following addreſs to her majeſty, in which the houſe of lords readily concurred.

" We your majeſty's moſt faithful and obedient ſubjects, The ad-
" the lords ſpiritual and temporal and commons of Great- dreſs of
" Britain in parliament aſſembled, do beg leave to return both
" our moſt hearty thanks to your majeſty for being gra- houſes
" ciouſly pleaſed to communicate to your parliament the upon it.
" intelligence you have received of an intended invaſion of March 5.
" this kingdom by the pretended prince of Wales, ſupport-
" ed by a French power.

" We are ſo ſenſible of the happineſs we enjoy under
" your majeſty, and are ſo affected with the dangerous
" conſequences of ſuch an attempt, both to your perſon
" and government, that, with hearts full of concern for
" your majeſty's ſafety, we beſeech your majeſty, that you
" will be pleaſed to take particular care of your royal
" perſon: and we, on our part, are fully and unanimouſly
" reſolved to ſtand by and aſſiſt your majeſty with our lives
" and fortunes, in maintenance of your undoubted right
" and title to the crown of theſe realms, againſt the pre-
" tended prince of Wales, and all other your enemies both
" at home and abroad.

" The care your majeſty has taken for the defence of
" your dominions, and particularly in fitting out ſo great
" a fleet in ſo ſhort a time, gives ſatisfaction and en-
" couragement to all your good ſubjects, who are likewiſe
" very ſenſible of the zeal the States-General have ſhewn
" upon this occaſion.

" As a farther inſtance of our duty, we humbly deſire,
" that you will be pleaſed to order, that the laws againſt
" papiſts and nonjurors be put in execution; and that di-
" rections be given to ſeize and ſecure ſuch perſons, with
" their horſes and arms, as your majeſty ſhall have cauſe
" to ſuſpect are diſaffected to your perſon and govern-
" ment.

" And as we doubt not, but, by the bleſſing of God up-
" on the continuance of your majeſty's care, your enemies
" will be put to confuſion, ſo we readily embrace this op-
" portunity, to ſhew to your majeſty and the whole world,

1707-8. " that no attempts of this kind ſhall deter us from ſup-
" porting your majeſty in a vigorous proſecution of the pre-
" ſent war againſt France, until the monarchy of Spain
" be reſtored to the houſe of Auſtria, and your majeſty
" have the glory to compleat the recovery of the liberties of
" Europe."

To this addreſs her majeſty was pleaſed to anſwer in the following terms,

" My lords and gentlemen,

" I have ſuch intire dependance on the providence of " God, and ſo much truſt in the faithful ſervices of my " good ſubjects, that I hope this attempt will prove dan- " gerous only to thoſe, who undertake it.

" I am extremely ſenſible of your concern and affection " for me and my government, and ſhall have a very par- " ticular regard to the advice you give me upon this oc- " caſion.

" I am alſo very well pleaſed with the juſtice, which you " have done the States-general, in taking notice of their " timely care for our ſafety, and their readineſs to give us " all poſſible aſſiſtance.

" The firm reſolution, which you expreſs upon all oc- " caſions, of ſupporting me in bringing this war to a ſafe and " happy concluſion, as it is moſt eſſentially obliging to me; " ſo I aſſure myſelf, it will mightily diſhearten our com- " mon enemies, and give the greateſt encouragement and " advantage to all our allies."

The parliament paſſed two bills; the one, that the abjuration might be tendered to all perſons, and that ſuch as refuſed ſhould be in the condition of convict recuſants. By the other, the Habeas Corpus act was ſuſpended till October, with relation to perſons taken up by the government on ſuſpicion. The pretender and his adherents were proclaimed traitors and rebels.

Preparations abroad againſt the invaſion.

Upon the firſt notice of the French armament in Dunkirk, major-general Cadogan repaired to Bruſſels, and concerted with monſieur d'Auverquerque the march of the Britiſh forces to be ſhipped off for Great-Britain, and how to ſupply their room in their ſeveral garriſons. From Bruſſels he went to Ghent; and having conferred with general Lumley, the governor of that place, and commander in chief of the Britiſh troops, orders were given to ten battalions,

talions, one of the guards, two of Orkney's, one of Argyle's, one of Primroſe's, one of Lalo's, one of Howe's, one of Ingoldeſby's, one of North and Grey's, and one of Godfrey's, to hold themſelves in readineſs to march at an hour's warning. This done, Cadogan repaired to Oſtend, to forward the preparations, which, by his early directions, were making there for the embarking of thoſe regiments, as ſoon as there ſhould be certain advice, that the twelve French battalions, that were to attend the pretender in his expedition, were actually on board. On the other hand, the admiralty of Great-Britain fitted out a fleet with ſuch incredible diligence, that (without diminiſhing the convoy provided for the Liſbon fleet, which conſiſted of twelve Britiſh, and five Dutch men of war, under the command of Sir John Leake) Sir George Byng and the lord Durſley ſailed from Deal towards the coaſt of Dunkirk, on the 27th of February, O. S. in the morning, with twenty-three Britiſh and three Dutch men of war, and one Britiſh fire-ſhip. The ſame day, about noon, Sir George Byng came to an anchor in Gravelin-Pits; and, immediately after, went into a ſmall frigate, and ſailed within two miles of Flemiſh-road, from whence he had a proſpect of the ſhips that lay there; and, the next day, learned from a fiſherman, taken off the ſhore, the number and ſtrength of the enemy's ſhips; that about ten thouſand men were in and about Dunkirk, ready to imbark; that they expected every day ſeveral ſhips from Breſt; and that the pretender was come to Gravelin in his way to Dunkirk; where he arrived on the 9th of March, N. S. in the morning. 1707-8.

The French, who imagined that admiral Leake might by this time have ſailed for Liſbon, and conſequently, that Great-Britain was unprovided of ſhipping, were ſo confident of the meaſures they had taken, that they publickly boaſted, That God alone could diſappoint their deſigns. But ſo great was their ſurprize, upon the Britiſh fleet's appearing off Mardyke, that a ſtop was put to the imbarkation of their troops, and frequent expreſſes were dipatched to Paris for new orders. The count de Fourbin, who commanded the enemy's ſquadron, having repreſented to the French king, that he might indeed get out of Dunkirk harbour, and perhaps land the troops; but that he could not anſwer for his majeſty's ſhips (1); that monarch, who was

(1) He obſerves in his memoirs, that he had no opinion of this enterprize. 'All the time I ſtaid at court, ſays he, I made

1707-8. fully determined on this expedition, ſent him poſitive orders to re-embark his troops, and to put to ſea with the firſt fair wind. In the mean time, the enemy gave out, that their diſembarking of the troops at Dunkirk was upon account of the pretender's being indiſpoſed with the meaſles, attended with an ague; but, as ſoon as the French king's laſt orders came, that pretence vaniſhed; the prince was ſaid to be perfectly recovered; and count Fourbin having, on the 14th of March, N. S. received advice from Boulogne, that the Britiſh fleet, being forced from their ſtation by high winds, was ſeen off that place, ſteering, on the 12th, for the Downs, they began, at two in the afternoon, to reimbark their forces. The wind turning fair for them on the 17th of March, N. S. they took that opportunity, and ſailed at four in the afternoon from the road of Dunkirk; but, the wind changing about ten at night, they were obliged to come to an anchor in Newport-Pits; where they continued till the 19th, at ten in the evening, when the wind changing, they ſet ſail again, ſteering their courſe for Scotland. On the other hand, the fleet under the command of Sir George Byng,

made ſeveral attempts to perſuade the miniſters to drop an enterprize, which I ſaw would be ſo unprofitable: I quite tired myſelf with repreſenting the inconveniencies of it; I told the prime miniſter again and again, that the beſt we could make of it would be an unprofitable and diſhonourable cruize; that I was thoroughly mortified at his majeſty's having made choice of me for an expedition, which had all the evidence of being attended with ill ſucceſs: That, if a deſcent was made, the ſix thouſand men would ſurely be loſt, and the forces of the kingdom diminiſhed in proportion, beſides the ſcandal of giving into a chimerical enterprize, which ought to be looked upon as a mere dream. The anſwer to all this was, The loſs of the ſix thouſand men gives us no trouble; the king of England, forſooth, ſo they miſcalled the pretender, muſt be ſatisfied. I never could get any thing elſe out of the miniſtry. The night before I ſet out for Dunkirk, I went to court to take my leave of the king: Monſieur Le Count, ſaid his majeſty, you are ſenſible of the importance of your commiſſion, I hope you will diſcharge it like yourſelf. Sir, replied I, your majeſty does me very great honour, but, if you will vouchſafe me a moment's audience, I have ſeveral things to repreſent to you concerning this commiſſion. The king who had been informed by the miniſter of the objections I had made to it all along, only ſaid, Mounſieur Fourbin, I wiſh you a good voyage, I have affairs upon my hands, and cannot hear you now.

Byng, which came back into the Downs the $\frac{2}{12}$ of March, and was ſince reinforced to the number of above forty men of war of the line of battle, beſides frigates and fireſhips, ſet ſail again the $\frac{6}{17}$ on a ſignal given by one of the ſcouts, who obſerved ſix ſhips to the weſtward, ſuppoſed to be the Breſt ſquadron. On the $\frac{8}{19}$th, at ten in the morning, Sir George Byng, who was then between Dunkirk and Calais, received intelligence by an Oſtend ſhip, ſent out by major-general Cadogan, of the ſailing of the Dunkirk ſquadron from Newport-Pits: Upon which he called a council of war, and according to the reſolution taken it, ſailed immediately in purſuit of the enemy; having firſt made a detachment of a ſtrong ſquadron, under the command of admiral Baker, with inſtructions to convoy the troops, that were imbarked at Oſtend, and to look after the ſhips ſtill remaining in Dunkirk road. 1707-8.

In the mean time, the parliament proceeded with great unanimity and vigour in their reſolutions, for the ſupport of the government againſt the pretender and his adherents. They paſſed a bill to diſcharge the clans of Scotland from their vaſſalage to their heads, who ſhould take up arms againſt the queen. This bill was chiefly owing to major-general Stanhope, and Sir David Dalrymple; but, the enemy not landing in Scotland, the bill had no effect. On the 10th of March, the queen came to the houſe of peers, and made a ſpeech to both houſes, importing, "That "ſhe had received advices that morning from Oſtend, that "the French fleet ſailed from Dunkirk on Tueſday, at "three in the morning, northward, with the pretender "on board: That Sir George Byng had notice of it the "ſame day at ten, and he being very much ſuperior to "the enemy, both in number and ſtrength, her majeſty "made no queſtion, but, by God's bleſſing, he would ſoon "be able to give a good account of them. That ſhe had "alſo advice, that ten battalions of her troops were embarked at Oſtend ready to ſail with their convoy, as there "ſhould be occaſion: And that ſhe ſhould continue to take "all proper meaſures for diſappointing the enemy's deſigns." Hereupon the houſe of commons unanimouſly voted the following remarkable addreſs, which was preſented to the queen by the whole houſe;

"Moſt

1607-8.

The commons address. March 13.

" Moſt gracious ſovereign,

" WE your majeſty's moſt dutiful and loyal ſubjects, the " commons of Great-Britain in parliament aſſembled, " humbly wait on your majeſty, to expreſs the great ſenſe " we have of your grace and favour, in communicating to " us from the throne the account of the French king's per- " ſiſting to invade your dominions, and to impoſe a pre- " tender upon theſe realms, over which your majeſty is " rightful and lawful ſovereign.

" The ſmall number of ſhips and troops, with which this " project is proſecuted, notwithſtanding the great naval " force your majeſty has fitted out with ſo much expedi- " tion, as it ought to be regarded with contempt on the " one ſide, ſo on the other it gives us juſt cauſe to believe, " that their chief dependance is upon ſome of your ſub- " jects, whoſe reſtleſs paſſions and arbitrary principles " have, for ſome years, engaged them in forming deſigns " to undermine and deſtroy the moſt happy eſtabliſhment " that the government of this iſland was ever founded " upon.

" The defence of your majeſty's perſon and government, " and the ſupport of the proteſtant ſucceſſion, are things " ſo ſacred to us and your people, that, as a demonſtra- " tion of our unfeigned zeal to aſſiſt and ſupport your " majeſty to the utmoſt of our power, we do, in the " name of the commons of Great-Britain, give you this " aſſurance, that whatever charge you ſhall be at by aug- " menting your troops at home, and replacing thoſe you " have recalled from abroad, or for ſuch other ſervices, as " your majeſty ſhall judge neceſſary upon this extraordi- " nary occaſion, ſhall be effectually made good. And as " we humbly recommend it to your majeſty, that the ſe- " vereſt puniſhments may be inflicted upon ſuch as ſhall " aſſiſt in ſo unnatural a deſign, as that of betraying your " majeſty and their country; ſo we doubt not but you will " give ſuitable encouragement to all thoſe, who ſhall ſhew " their fidelity, by oppoſing the invader and his accomp- " lices in Scotland, or wherever the deſcent ſhall be.

" Your majeſty wants no incitement to a ſteady proſe- " cution of the war, in which you are engaged for the " common cauſe; yet permit us to take this opportunity " to intreat your majeſty, that this enterprize may no " ways divert your conſtant vigour, that all the world may " ſee, that both your majeſty and your people are deter- " mined

" mined to ſupport your allies in all parts, whatever attempts 1707-8.
" are made at home.

" May it pleaſe your Majeſty,

" There can be nothing ſo dangerous or fatal to the ſafety " of your royal perſon, and the ſecurity of the preſent " happy eſtabliſhment, as thoſe perſons, who endeavour " to create diviſions and animoſities among your faithful " ſubjects, or by any artful methods leſſen the juſt eſteem " your majeſty has for thoſe, who have ſo eminently, and " in ſo diſtinguiſhing a manner, commanded your armies, " and managed your treaſure, to the honour and glory " of your majeſty abroad, and the intire ſatisfaction of " your people at home. We therefore humbly beg leave " to beſeech your majeſty to diſcountenance all ſuch per- " ſons and deſigns in the moſt remarkable manner."

The queen's anſwer to this addreſs was:

" Gentlemen,

" I Give you my hearty thanks for this repeated aſſurance " and certain proof of your zeal for me, and for the " proteſtant ſucceſſion.

" I am glad your thoughts of the war abroad ſo per- " fectly agree with my firm reſolution upon that ſubject.

" You may depend, that no apprehenſions (further than " are reaſonable) ſhall have any influence on my meaſures, " while the cauſe of religion and liberty, with the good " affections of my people, are on my ſide.

" I think all who endeavour to make diviſions among " my faithful ſubjects, muſt be mine and the kingdom's " enemies; and I ſhall never countenance any perſons, " who would go about to leſſen the juſt eſteem, which I " have for thoſe, who have done, and continue to do me, " the moſt eminent ſervices."

The lords addreſs was as hearty as that of the commons, and, among other expreſſions of equal truth and affection, they ſaid,

" We hope your majeſty will always have a juſt deteſta- " tion of thoſe perſons, who, at any time, when this hel- " liſh attempt was a-foot, and ſo near breaking out, were " uſing their endeavours to miſrepreſent the actions of your " beſt ſubjects, and create jealouſies in your majeſty of

1707-8. " thoſe who had always ſerved you moſt eminently and
" faithfully. And we beſeech your majeſty not to give ſo
" juſt a cauſe of uneaſineſs to your people, as to ſuffer
" any ſuch hereafter to have access to your royal perſon.

" We hope for this good effect from ſo unhappy an oc-
" caſion, that the univerſal zeal, which will appear for the
" preſervation of your majeſty's government and the pro-
" teſtant ſucceſſion, will unite us to one another, and cure
" our miſtakes and miſapprehenſions, which have been ſo
" induſtriouſly and maliciouſly improved. But nevertheleſs
" we moſt humbly offer it to your majeſty as our opinion,
" that your majeſty ſhould principally depend upon and
" encourage thoſe who have been ever ſince the revolution
" moſt ſteady and firm to the intereſt of the late king, and
" of your majeſty during your happy reign."

Her majeſty's anſwer to this addreſs was in theſe terms:

" My lords,

" I Am extremely ſenſible of your zeal and concern for
" the ſafety of my perſon and government, and very
" well pleaſed to find your thoughts agree ſo exactly with
" mine, that no attempt of our enemies againſt us at home
" ſhould divert us from proſecuting the war abroad with
" the greateſt vigour, the hopes of which has probably
" been one of their principal motives to ſo preſumptuous
" an undertaking.

" As I cannot but wiſh there were not the leaſt occaſion
" of diſtinction among my ſubjects; ſo I muſt always place
" my chief dependence upon thoſe who have given ſuch
" repeated proofs of the greateſt warmth and concern for
" the ſupport of the revolution, ſecurity of my perſon,
" and of the proteſtant ſucceſſion."

Remark on the variation of the queen's ſtile in her ſpeeches.

The queen, being much alarmed with the danger of this invaſion, ſaw with what falſhoods ſhe had been abuſed by thoſe who pretended to aſſure her there was not now a jacobite in the nation. For this reaſon ſhe was obſerved to make a remarkable variation in her ſtile. She had never in any ſpeech mentioned the revolution, or thoſe who had been concerned in it. And many of thoſe, who made a conſiderable figure about her, ſtudied, though againſt all ſenſe and reaſon, to diſtinguiſh her title from the revolution, on which it was plainly founded, and on nothing elſe. But in this anſwer and another ſpeech ſhe named the revolution twice, and ſaid, ſhe would look on thoſe concerned in it as the ſureſt to her intereſts. She alſo fixed a new deſignation

on the pretended prince of Wales, and called him the Pretender (particularly in her ſpeech at the cloſe of this ſeſſion) and he was ſo called in a new ſet of addreſſes, which, upon this occaſion, were made to the queen. 1707-8.

Beſides the ten Engliſh battalions which Cadogan had embarked at Oſtend, and which, ſailing from thence the 28th of March, N. S. under the convoy of admiral Baker, arrived three days after at Tinmouth, the firſt and ſecond troop of life-guards, a ſquadron of horſe grenadiers, the duke of Northumberland's regiment of horſe-guards, the dragoons of Wilks and Carpenter, a detachment of ſixteen men out of each company of the firſt and ſecond regiments of foot-guards, making a complete battalion, and ſeveral regiments of foot, were ordered to march towards Scotland, whither the earl of Leven, commander in chief of the forces in that part of Great-Britain, and governor of Edinburgh-caſtle, went poſt betimes, to provide for the ſecurity of that important fortreſs, and to make all the neceſſary diſpoſitions to baffle any attempts which the enemy could make on that ſide. Several regiments, in the ſouth parts of Ireland, were at the ſame time commanded towards the north of that kingdom, from whence, if occaſion had required, they might, with eaſe, have been tranſported into Scotland. But all the precautions by land proved wholly unneceſſary, by the diſappointment of the enemy's deſign at ſea, of which Sir George Byng gives an account in two letters of the 13th and 15th of March, from on-board the Medway; the firſt whereof is as follows: "According to the opinion we had "framed, when we loſt the ſtation off Dunkirk, it has "proved, that the enemy was deſigned for Edinburgh. "This morning we ſaw the French fleet in the mouth of "the Frith, off of which place we anchored the laſt night, "and ſent a boat a-ſhore to the iſle of May, from whence "we had an account, that the French came to an anchor "yeſterday in the afternoon. They ſent one ſhip up into "Leith-Road, which had a flag at the main-top-maſt-head. "They report it a blue one; but we are rather of opinion, "that it is the ſtandard. The people of the iſland ſay, "that by the time that ſhip could get up before the town, "they heard ſeveral guns fire, which were in the manner "of a ſalute. The ſhip that went up yeſterday, came "down this morning, and is now within two leagues of "us. She appears to be a ſhip of ſixty guns, but has now "no flag on-board. We ſaw this morning, when they "weighed, a flag at the main-top-maſt-head on-board of

The Engliſh forces march towards Scotland.

"one

1707-8. "one of their ships. They ſtand from us, and we after "them, with all the ſail we can."

The ſecond letter, dated from Leith-Road, was as follows: "We chaſed the enemy to northward of Buccaneſs, "ſometimes with reaſonable hopes of coming up with them. "The Dover and Ludlow-Caſtle, being the only clean-"ſailing ſhips we had, they were the firſt which came up "with part of the enemy's ſquadron, paſſing by ſome of "the ſmaller, to engage ſome of the larger ſhips, and ſtop "them till they could be relieved. They attacked two or "three of their ſhips, among which was the Saliſbury: "they did not part with them, till more of our ſhips arrived, "but worked their ſhips in a handſome manner, to cut "them off from the reſt of the fleet; but in the darkneſs of "the night they all got out of ſight, except the Saliſbury, "who falling in amongſt our head-moſt ſhips, the Leopard "entered men-on-board her. We are informed by the "officers who were taken, that there were twelve batta-"lions on-board their ſquadron, commanded by comte de "Gace, a marſhal of France. The pretended prince of "Wales, lord Middleton, lord Perth, the Mac-Donalds, "Trevanion, and ſeveral other officers and gentlemen, "were on-board the Mars, to which alſo was monſieur "Fourbin, who commanded the ſquadron. The number "and ſtrength of their ſhips are very near the account we "lately received from Dunkirk; nor were they joined by "the Breſt men of war. And they further aſſure us, that "the ſhips our out-ſcouts ſaw off Calais, were privateers, "and their prizes, going into Dunkirk. The morning "after this chaſe we ſaw but eighteen of the enemy's ſhips, "as far as we could perceive them from the maſt-head, in "the eaſt north-eaſt of us. Having no proſpect of coming "up with them, we lay off and on Buccaneſs all day yeſter-"day, to gather our ſhips together; and this day, it blow-"ing hard at north-eaſt with a great ſea, judging the enemy "could not ſeize the ſhore to make any attempt, we bore "up for this place; which was thought moſt reaſonable; "not only to ſecure, but to give countenance and ſpirit "to her majeſty's faithful ſubjects, and diſcourage thoſe "that could have thoughts of being our enemies (a)."

Sir

(a) Mr. de Gace (who commanded the land-forces, and was for this unſucceſsful ſervice made a marſhal of France by the title of marſhal de Matignon) gave alſo an account of the invaſion to Mr. de Chamillard in a letter dated at Dunkirk in

Sir George Byng having loſt ſight of the French, and conſidering, that the Frith was the ſtation of the greateſt impor- 1707-8.

in April: "I had the honour to acquaint you with our embarkation at Dunkirk the 17th paſt; and you ſhall ſee by the following journal what has happened ſince till our return.

The 17th, at four in the afternoon, the chevalier de Fourbin ſet ſail with the fleet; but, about ten in the evening, the wind proving contrary, we were obliged to call anchor in the Downs off Newport, where we were detained the 18th and 19th. The Proteuſ, on-board of which were four hundred landmen; the Guerrier and the Larcheſne, with two hundred men each, were obliged, by the high winds, to put back into Dunkirk. The ſame day, the 19th, at ten in the evening, the wind having ſhopped about, we ſet ſail again; and, having purſued our courſe the 20th, 21ſt, and 22d with a ſtrong gale, we made the Frith of Edinburgh the 23d in the morning, and in the evening call anchor at the mouth of it. The 24th in the morning, as we made ready to enter the Frith, we diſcovered a great number of ſhips, which we ſoon found to be the enemy's ſquadron to the number of twenty-eight ſail, whom we judged to be the ſame that had appeared off Dunkirk: whereupon monſieur de Fourbin reſolved to bear off by the favour of a land-breeze, which very luckily carried us from the enemy. They purſued us pretty cloſe all that day, the 24th, and, four of the beſt ſailers being come up with our fartheſt ſhips, the enemy's foremoſt ſhip attacked, at four in the afternoon, the Auguſt, with whom they exchanged ſome guns for ſome time; after which the Engliſh bore down upon the Saliſbury, which was more a-ſtern, and endeavoured to put her between themſelves, and another Engliſh ſhip, that was coming up to her. The fight between theſe two ſhips, and ſome others on both ſides, laſted till night; during which time the Saliſbury made a great fire with their ſmall arms.

Our fleet being diſperſed, and the enemy near us, monſieur de Fourbin reſted ſafe during the night, which had a good effect; for the next day, the 25th, we found ourſelves with twenty ſail at a conſiderable diſtance from the enemy: whereupon I diſcourſed with monſieur de Fourbin, to know of him, Whether, having miſſed our landing in the Frith of Edinburgh, we might not attempt it in another place? He propoſed to me Inverneſs, which is a very remote part in the north of Scotland: and we went immediately to ſpeak of it to the king of England, who entertained the motion with joy, and told us, We ought to concert together the meaſures, that were to be taken, and he would purſue our reſolutions.

The buſineſs was now to get pilots to conduct us thither, and give us the neceſſary notices. But there being none in our ſquadron, that was acquainted with that port, monſieur de Fourbin detached a frigate with

the

1707-8. importance, as well as safety, and was the place where they designed to land, put in there, till he could hear what course the French steered, who were not heard of in England till a fortnight after. Three of their ships landed near the mouth of Spey, only to refresh themselves; for, the ships being so filled with landmen, there was a great want of water. At last all their ships got safe into Dunkirk. The landmen either died at sea, or were so ill, that all the hospitals in Dunkirk were filled with them. It was reckoned, that they lost above four thousand men in this unaccountable expedition; for they were above a month tossed in a very tempestuous sea. If they had landed, it might have had an ill effect on our affairs, chiefly with relation to all paper-credit; and if by this the remittances had been stopped, in so critical a season, that might have had fatal consequences abroad; for, if the nation had been put into such disorder at home, that foreign princes could no more reckon on its assistance, they might have been disposed to hearken to the propositions, which the king of France would then probably have made to them (a).

the sieurs Caron and Bouyn, to fetch some from the cape of Buccaness. All that day, the 25th, we steered with a pretty favourable wind towards the north of Scotland; but, about eleven at night, there arose a strong contrary wind, which having continued the next day with violence, monsieur de Fourbin told me, it was high time to acquaint the king with the inconveniencies of pursuing our course, which were the inevitable dispersion of our fleet; the danger which the ships, that should be separated, would be in, either of falling into the enemy's hands, or of perishing on the coast, if they were driven thither; and even the wanting of provisions.

The impossibility the sieurs Caron and Bouyn found of approaching the shore, by reason of the stormy weather, and consequently of bringing pilots to guide us, the uneasiness and dangers of landing in a port we were strangers to, and where the enemy might come up again with us, together with other hazards and difficulties, having been represented to the king by monsieur de Fourbin in the presence of the duke of Perth, my lord Middleton, Mr. Hamilton, my lord Culmoy, and messieurs de Beauhernois and d'Andrezel, the king of England, with the unanimous advice of all those gentlemen, resolved to return to Dunkirk, where we could not arrive before this day, by reason of the calms and contrary winds.'

(a) The house of commons, upon a suggestion that Sir Geo. Byng might have destroyed the whole Dunkirk squadron, if his ships had been clean, resolved to present an address to her majesty, 'That she would 'be pleased to give directions, 'that

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